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THE
T R I A L
OF
JOHN HORNE TOOKE, *L*

FOR
High Treason,

AT THE
SESSIONS HOUSE IN THE OLD BAILEY,

ON
Monday the Seventeenth, Tuesday the Eighteenth, Wednesday the Nineteenth, Thursday the Twentieth, Friday the Twenty-first, and Saturday the Twenty-second of November, 1794.

V O L. I.

TAKEN IN SHORT-HAND,
By JOSEPH GURNER.

L O N D O N :
SOLD BY MARTHA GURNEY, BOOKSELLER, HOLBORN-HILL.

1795.

THE
TRIAL

JOHN MORNE TOOK

High Treason

SESSIONS HOUSE IN THE OLD BARRACKS



VOL. I

TAKEN IN SHORT HAND

JOSEPH H. GURNEY

LONDON

ROD ST MARTIN CHURCH, ROSS STREET, ROSS STREET

1795

(THE)

TRIAL

OF

JOHN HORNE TOOKE

FOR

HIGH TREASON.

SESSION HOUSE IN THE OLD BAILEY.

Monday, November the 17th, 1794.

PRESENT,

Lord Chief Justice EYRE;

Lord Chief Baron MACDONALD;

Mr. Baron HOTHAM;

Mr. Justice GROSE;

Mr. Justice LAWRENCE;

And others, his Majesty's Justices, &c.

Counsel for the Crown.

MR. ATTORNEY GENERAL,

MR. SOLICITOR GENERAL,

MR. SERJEANT ADAIR,

MR. BEARCROFT,

MR. BOWER,

MR. LAW,

MR. GARROW,

MR. WOOD,

MR. PERCIVAL.

Counsel for the Prisoner assigned

by the Court.

The Hon. THOMAS ERSKINE,

MR. GIBBS,

Assistant Counsel.

MR. DAMPIER,

MR. FELIX VAUGHAN,

MR. GURNEY.

Solicitor.

JOSEPH WHITE, Esq; Solici-
tor for the affairs of his Ma-
jesty's Treasury.

Solicitors.

Messrs. GEORGE and ROMAINE
WILLIAM CLARKSON, of
Essex-street.

John Horne, Tooke set to the bar.

MR. TOOKE. My Lord, I desire, as necessary for the purpose of my defence, that I may quit the situation in which I at present stand, and be placed near to those Counsel which the Court have assigned to me for my assistance in my defence.

Lord Chief Justice Eyre. That is an indulgence which I have hardly ever known given to any person in your situation.

Mr. Tooke. I am perfectly aware that it is unusual, but I beg your Lordship to observe, that every thing in the course of these proceedings is likewise unusual. I beg your Lordship to consider, that the proceedings upon the last trial will fill, as I am well informed by the shorthand writer, sixteen hundred close printed octavo pages. That trial lasted nine days, eight days trial, and one day between. The nature of the indictment is such, that it has been impossible for me to guess what would come before your Lordship; it has been equally impossible for me to instruct my Counsel; they cannot know the passages of my life; and, from what I have seen of the last trial, the whole passages of my life, and those which are not passages of my life, but are only imputed to me, will be brought before you: how is it possible for my Counsel to know those particular facts which are known only to myself? If ever there was a case where indulgence was fit to be granted it is this; yet your Lordship will forgive me for saying, that I claim it as my right by law, and do not ask it as an indulgence.

Undoubtedly I mean to shew no disrespect to any one at this time, when it is my interest to conciliate all; but I cannot help saying, that if I were a Judge, that word *indulgence* should never issue from my lips. My Lord, you have no indulgence to shew; you are bound to be just, and to be just is to do that which is ordered; what is not ordered I shall not ask, and your Lordship cannot grant; but if you have any doubt that it is my right by law, to be placed in that situation which is best adapted for me to make my defence, I shall desire to encounter the learning and ability of the Attorney and Solicitor General. I claim to be placed by the side of my Counsel, for the purpose

pose of making my defence; and I hope your Lordship will believe that, when I say this, I am not so foolish as to desire to give you, or any person in the Court, offence, when it is so strongly my interest to please you all.

My Lord, it is not for a small stake that I stand here—it is to deprive me of my life, to beggar my family, to make my name and memory infamous to all posterity; so deep a stake as that may very well overfet my understanding; it is very well known that the best gamesters, when the stake is too deep for them, play the worst; I hope that will not be my case: and I hope and trust, if your Lordship permits me to sit near my Counsel, that I shall prevent a great waste of time to the Jury, your Lordship, and myself; for, I am certain, I shall make it impossible for the prosecutor to make any case against me that shall call upon me for my defence.

I come here from a very close custody of a whole summer, and a whole autumn; I have not, any more than your Lordship, many summers or many autumns to spare; that custody has been attended with many degrading and many humiliating circumstances, and some inhuman circumstances, at my age, and with my infirmities; it has, in some measure, impaired the health and the strength of my body; I come to you but half a man; your Lordship will expect a whole defence, and I do not doubt but that I shall give you a whole defence, provided you furnish me with the necessary means of doing it.

Lord Chief Justice Eyre. Mr. Tooke, you have been furnished with that which the law considers as the necessary means to enable you to make your defence; you have had Counsel assigned to you; they have had, or might have had, access to you at all seasonable hours; that is what the law allows you. You have taught the Court not to use the word *indulgence*; and you have pointed out to them their duty, that they are to give no indulgence. I am apprehensive that it would be considered as an extraordinary indulgence if the Court were now to do that which you ask, because that is not done to other prisoners, it was not done to another prisoner, who went immediately before you, who had the same stake that you have, nor is it done to all other

prisoners who do come to this bar; and, therefore, the Court are not permitted, without doing injustice to others, to grant that which you ask upon the ground upon which you ask it.

But you have mentioned another circumstance that is extremely material, and which will, in my mind, warrant the Court to do that which you think they ought not to do, to indulge the prisoner. You have stated the condition of your health, and that in the place in which you stand your health will suffer, the Court has no desire to put you under any difficulties, they wish that you should be enabled to make your defence in the best way imaginable, and if the situation in which you stand is really likely to be prejudicial to your health, and, therefore, likely to disable you from making your defence in the manner you might otherwise make it; I shall put it to my Lords to consider whether you may not be indulged with that which you have now asked.

Mr. Tooke. The Court will forgive me only for saying that if on the footing of indulgence the Court shall not think it fit to grant what I ask, I hope I shall not after that decision be barred from my argument upon it as a point of law.

Lord Chief Justice Eyre. You must state your whole case upon any matter that arises at once; the proposing it first in one shape, and then going on to state it in another, is carrying us on without end; if you mean to argue this as a point of law, to be sure we are ready to hear you.

Mr. Tooke. I beg your Lordship not to misunderstand me, I did so mention it at first, and did ask it not as an indulgence; if your Lordship will be pleased to recollect, I did mention, that if there were objections I should then argue it in point of law, thinking that I am well entitled to it by the principles, by the letter, and by the practice of the law. I did not mean to change my ground, I beg your Lordship will be pleased to recollect I excluded the idea of indulgence; I did not mean to take first one ground, and then another; but I thought it possible I might save the time of the Court; therefore, I left it to your Lordship to collect the sense of the Court, even upon the score of health, which your Lordship mentions to save time, and not

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to waste the time. I understood very well that after a decision I should not be permitted to argue it, therefore, I mentioned that, but not to change my ground; and, therefore, if your Lordship should find upon the score of what you call indulgence, I suppose in a different view of the word than I am accustomed to take, I rather understand that your Lordship means you are willing to grant it me upon the score of my health; in that case I do not desire to waste the time of the Court; provided it is granted to me, I am very happy, and shall be glad to avoid the argument, if your Lordship will be only pleased to give me some intimation of your opinion.

[The Lord Chief Justice consults the other Judges.]

Lord Chief Justice Eyre. Mr. Horne Tooke, I have consulted my Lords the Judges, who are present, they feel themselves extremely disposed to indulge you on the score of your health, they think that it is a distinction which may authorize them to do that in your case, which is not done in other cases in common; they cannot lay down a rule for you which they would not lay down for any other man living; but if your case is distinguishable from the case of others, that does permit them to give you that indulgence which you now ask.

Mr. Tooke. I am very much obliged to your Lordships, and am very well content to accept it as indulgence, or any other thing. Undoubtedly it is very acceptable to me, and very necessary for my health. I am glad to save the time of the Court.

[Mr. Horne Tooke removed to the Inner Bar.]

Mr. Shelton, the Clerk of Arraignment, called over the Pannel.

Major Rhode, Esq. not a freeholder.

Charles Digby, Esq. challenged by the prisoner.

Matthias Dupont, Gent. challenged by the crown.

Nathaniel Wright, Esq. not a freeholder.

Hugh French, Esq. not a freeholder.

William Harwood, Esq. challenged by the crown.

James Mitchell, Ropemaker, not a freeholder.

Philip Godsal, Gent. Coachmaker.

Mr. Erskine. I mean to challenge Mr. Godsal, but not by a peremptory challenge, I mean to challenge him for cause.

Lord Chief Justice Eyre. What is your cause?

Mr. Erskine. A declaration made by Mr. Godsal, which, I understand, we are in a condition to prove; and if it is proved, I am sure your Lordship will not for a moment conceive that he is fit to sit as a Jurymen upon this Trial: a declaration made by him not very lightly neither; upon the second day of the Trial of the person who was acquitted in this place, that if he were upon the Jury, he would hang every one of the Prisoners.

Lord Chief Justice Eyre. If you prove that, it will certainly disqualify him.

Mr. Erskine. Call James Berry.

James Berry, Sworn.

Examined by *Mr. Erskine.*

Q. What are you?

A. A Clerk at the Oracle Office.

Q. Do you know Mr. Philip Godsal?

A. I do not know him personally, unless I was to see him.

Q. Look round; do you know that gentleman?

A. I cannot say that I recollect his person.

Q. Did you see any person who called himself by that name?

A. A person who I understood was of that name.

Q. How did you understand that?

A. By being told that that gentleman's name was Godsal.

Q. But you cannot swear to his person?

A. No.

Q. Who told you that his name was Godsal?

A. A young man who was present at the time.

Q. Who is that young man?

A. Mr. Harman.

Mr. Attorney General. Where does Mr. Harman live?

A. At Mr. Bell's.

Q. Did Mr. Harman know you were coming here this morning?

A. No;

A. No; I did not know myself till this morning.

Q. Did you know what you were coming here about?

A. I was told by Mr. Clarkson when he sent for me.

Q. Did you mention this thing to any person after you had heard it?

A. Yes.

Q. To whom?

A. To a Mr. Brown.

Q. Where does he live?

A. I do not know; I was in company with him; I think he lives in Blackmoor-street, Clare-market, but I am not certain.

Q. When were you sent to to attend here this morning?

A. I received a note last night, when I came home, from Mr. Clarkson, requesting me to call upon him this morning.

Q. You called upon him then?

A. I did.

Q. Did you inform Mr. Clarkson that Harman was the person who told you it was Mr. Godsal?

A. I did not.

Q. Did you inform Mr. Clarkson that you did not know Mr. Godsal?

A. I told him I had never seen him before.

Mr. Erskine. But you thought you should know him again?

Mr. Godsal. I think my character ought to be vindicated in this matter, and that man ought to be punished for bringing this matter against me.

Berry. What I said I am willing to swear to; I do not know how it was represented to the Court before I came in.

Mr. Attorney General. You are Clerk to Mr. Bell's Oracle?

A. Yes.

Q. Are you a member of any of these Societies?

A. No.

Mr. Erskine. Then I must peremptorily challenge Mr. Godsal.

James Haygarth, Esq. sworn.

Mark Hudson, Esq. challenged by the prisoner.

John

John Mandell, Gent. not a freeholder.

Henry Bullock, Brewer, challenged by the crown.

John Powfey, Carpenter and Surveyor, challenged by the prisoner.

George Capes, Esq. not a freeholder.

Thomas Rhodes, Cowkeeper, excused on account of illness.

Richard Croft, Banker.

Mr. Croft. My name is Thomas, I am summoned by the name of Richard.

Hugh Ronalds, Esq. challenged by the prisoner.

Edward Antrobus, not a freeholder.

Thomas Harrison, Cowkeeper, sworn.

John Leader, Gent.

Mr. Leader. My Lord, I have a violent cold.

Lord Chief Justice Eyre. I will excuse you for the present, but you must not go away.

John Guest, Esq. excused on account of illness.

Adam Steinmetz, Biscuit Baker, excused, having served on the Trial of Thomas Hardy.

Robert Hawkins, Coal Merchant, excused on account of age.

Robert Kilby Cox, Esq. challenged by the prisoner.

James Payne, Esq. challenged by the crown.

John Mercer, Mealman, excused, having served on the Trial of Thomas Hardy.

John Rixon, Cooper, challenged by the crown.

Thomas Sayer, Esq. excused, having served on the Trial of Thomas Hardy.

Richard Carter, Esq. excused, having served on the Trial of Thomas Hardy.

Thomas Matthews, Esq. not a freeholder.

Edward Hale, Gent. sworn.

George Fillingham, Hopfactor, challenged by the prisoner.

William Perry, Esq. challenged by the prisoner.

Richard Gough, Esq. excused on account of illness.

Thomas Skipp Dyott Bucknell, Esq. challenged by the prisoner.

Edmund Jennings, Esq. not a freeholder.

George Sewell, Gent. not a freeholder.
 Nathaniel Stonard, Brewer, excused, having served on the
 Trial of Thomas Hardy.
 Samuel Provey, Esq. not a freeholder.
 Thomas Allen, Brewer, challenged by the prisoner.
 John Baker, Esq. challenged by the prisoner.
 Samuel Pullen, Gent. challenged by the prisoner.
 James Smith, Esq. challenged by the prisoner.
 Bryan Marshal, Gent. excused on account of illness.
 Joseph Nichol, Gent. Farmer, excused, having served on the
 Trial of Thomas Hardy.
 David Roberts, Esq. challenged by the prisoner.
 Thomas Smith, Esq. challenged by the prisoner.
 John Charrington, Esq. excused, having served on the Trial
 of Thomas Hardy.
 Thomas Allen, Esq. challenged by the prisoner.
 Andrew Burt, Esq. challenged by the crown.
 Charles Smith, Distiller, challenged by the prisoner.
 George Gosling, Esq. and Banker.
Mr. Gosling. I have been summoned to attend; I do not live
 at Twickenham, nor am I a banker; there is a gentleman at
 Twickenham who is a banker of the name of Gosling, but his
 name is not George. I am a proctor in the Admiralty.
 William Nicoll, Farmer, challenged by the prisoner.
 Edward Franklin, Farmer, excused on account of illness.
 Michael Henly, Coal Merchant, challenged by the prisoner.
 Edward Champion, Esq. not a freeholder.
 Francis Jenks, Gent. not a freeholder.
 Joseph Anslie, Esq. excused, having served on the Trial of
 Thomas Hardy.
 John Masfiter, Wharfinger, challenged by the prisoner.
 John Liptrap, Esq. challenged by the prisoner.
 Theophilus Pritzler, Sugar Refiner, not a freeholder.
 Charles Turner, Sailmaker, not a freeholder.
 John Harrison, Gent. challenged by the prisoner.
 John Battye, Esq. challenged by the prisoner.
 David Duveluz, not a freeholder.

James

James Stephens, Esq. challenged by the crown.
 James Crane, Esq. challenged by the prisoner.
 Rice Davies, Esq. challenged by the prisoner.
 Cecil Pitt, Esq. excused on account of age.
 Isaac Lucas, Esq. not a freeholder.
 Thomas Draine, Brewer, sworn.
 Arthur Shakespear, Esq. challenged by the prisoner.
 John Jenkinson, Esq. not a freeholder.
 James Sheredine, Esq. challenged by the prisoner.
 John Mayhew, Esq. challenged by the prisoner.
 Emanuel Goodheart, Sugar Refiner, challenged by the prisoner.

Mathew Whiting, Sugar Refiner, sworn.
 Castin Rhode, Esq. not a freeholder.
 Chistopher Richardson, Timber Merchant, excused on account of illness.
 Jonathan Eade, Esq. challenged by the prisoner.
 James Keene, Grocer, challenged by the prisoner.
 John Butts, Esq. not a freeholder.
 Thomas Cockington, Esq.

Mr. Cockington. My name is James.

Henry Goodwin, Esq.

Mr. Goodwin. I am described in the summons as living in Saint Catherine's; I do not live in Saint Catherine's, but in Lower East Smithfield.

John Peter Blaquire, Esq. challenged by the prisoner.

David Dean, Cheesemonger, challenged by the prisoner.

Norrison Coverdale, Ropemaker, sworn.

Robert Mairis, Gent. sworn.

William Cooke, Esq. sworn.

Charles Pratt, Miller, sworn.

Thomas Druce, Stationer, not a freeholder.

Thomas Maude, Esq. not a freeholder.

James Shrapnell, Silversmith, not a freeholder.

Benjamin Bradbury, Gent. not a freeholder.

Christopher Metcalfe, Esq.

Mr. Metcalfe. I do not live at Bromley, in the county of Middlesex,

Middlesex, as I am described in the pannel, but at West Ham, in Essex.

John Thompson, Brewer, not a freeholder.

Thomas Lewis, Esq. not a freeholder.

Nathaniel Allen, Ship Chandler, not a freeholder.

Edward Hill, Gent. challenged by the prisoner.

Cam Farmer, Gent. excused on account of illness.

James Crompton, Paper-hanging-maker, excused on account of illness.

John Lovett, Gent. not a freeholder.

John Peavey, Cooper, not a freeholder.

Thomas Gildart, Esq. challenged by the prisoner.

Mr. Shelton, my Lord, I have gone through the pannel, and there are but nine Jurors sworn.

Lord Chief Justice Eyre. Call over the defaulters.

Mr. Shelton called over the defaulters, when *Henry Purrier, Esq.* appeared.

Mr. Purrier, My health will not permit me to serve on this trial.

Mr. Erskine. My Lord, this is a gentleman of whom I know nothing; and if it is your Lordship's ultimate judgment that he should serve upon the Jury, I shall be perfectly satisfied; but I shall submit this to the judgment of the Court. We have expended all our challenges. In the course of our challenges different gentlemen made excuses, which they submitted to the consideration of the Court; and your Lordships, with your usual justice and indulgence, let them be excused. It was not possible for my learned friend or myself, as Counsel for the prisoner, to know what number of the inquest would appear, nor what number that did appear would be disqualified for want of freehold, or what number would be disqualified for want of health, so that we were under the necessity of acting as appeared best at the moment; *non constat*, that we might not have chosen to challenge this gentleman, rather than some others that we have challenged. No man certainly, in his senses, would waste a challenge, which is given upon so awful an occasion as a capital case; and having only thirty-five challenges

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out of a pannel consisting of above two hundred Jurors; with a privilege in the Crown also to challenge those whom we might not be disposed to challenge. I repeat again, that no man in his senses would throw away a challenge upon a Juror who had disqualified himself, who had claimed an indulgence of the Court, and was in the course of receiving it; therefore, your Lordships observe that I go on and take my challenges.—

Mr. Attorney General. You may wave any one of your challenges, and challenge this gentleman if you please.

Mr. Erskine. This is rather extraordinary; what, I am to wave a challenge I have made, and take a gentleman whom I have already challenged? I rather would wish to appeal to the practice of former times, than to offer to your Lordship any construction of my own upon the statute; but I cannot conceive a more hard case than it will be upon the prisoner, if he is, after a certain number of Jurors are empannelled, and are now in the box, to be called upon to retract a particular challenge. My application to your Lordship is, that the Crown shall now, to prevent the inquest being untaken, be called upon to assign, in the language of the statute, cause for their particular challenges.

I will take it another way---when the Crown assigns no cause, your Lordship ought to take it that there is no cause; and although the indulgence of the law to English subjects who are accused and standing upon trial for their lives allows them, without any cause, if they feel any thing in their own mind that they cannot express---if even they see in the countenance of the person something they do not like, the indulgence of the law allows a peremptory challenge---the indulgence of the law allows no such challenge to the king; undoubtedly the construction which the judges have put in other times upon that is, that the inquest shall not therefore remain untaken; and in this case your Lordship is placed in this predicament---either you must decide that, notwithstanding the infirmity of the Juror, which leads him to ask your Lordship's indulgence, he shall, nevertheless, be put into the box, and serve upon the trial; or, that
your

your Lordship shall call upon the Crown to say, whether there be any foundation for their challenges.

Supposing that this should happen in another case, (and your Lordship will recollect, that if I am over-ruled in this I must be over-ruled in all), and that the Jury must, therefore, be filled up with persons in the predicament I have already alluded to, in this most extraordinary species of trial, which no man living, I will venture to say, can foresee the duration of, or the inconvenience that the health of individuals, even strong men, may endure in the course of the trial. I trust your Lordship will certainly think yourself bound rather to call upon the Crown to assign the cause for their challenges, than go to the other alternative, of obliging a gentleman in ill-health to serve. I beg to be understood that I say this without the smallest objection in the world to the gentleman who now stands before the Court, and if your Lordship over-rules the objection, as far as relates to him I shall undoubtedly be satisfied.

Mr. Gibbs. The nature of our objection, as I conceive, is this—The prisoner is entitled to his challenges to all those who are on the pannel, in the order in which they stand on the pannel; and it may be, that those gentlemen who, when called, were excused for the present, may be persons whom the prisoner would rather have challenged than those that followed.

Mr. Purrier. I believe I can save the Court some trouble; I have laboured under a complaint that makes it impossible for me to serve on this trial. At the time of Hardy's trial I could not have staid in the Court five minutes; for if I had staid longer than I did, I should have been carried out with at least a suspension of all my faculties; I am sure of it, from the sensation that came over me. I was once very near fainting at the Assize, and in fact I am so in all crowded places. This is a fact I could have brought sufficient testimony of.

(*Mr. Purrier sworn upon the voir dire.*)

Lord Chief Justice Byre. Your state of health is such that you believe yourself to be incapable of going through the fatigue of this trial?

Mr.

Mr. Purrier. I verily believe it.---I am sure of it.

Lord Chief Justice Eyre. You are excused.

Mr. Tooke. I do not mean to argue with your Lordship and the Counsel, but I find myself compelled to tell your Lordship that I should, if I had not been over-ruled by the superior judgment of my Counsel, have contended very early against the challenges of the Crown. The 33 Edward III. completely bars what they have done, although I know that subsequent judicial decisions have permitted the Counsel for the Crown to challenge, without shewing their cause, until the panel is gone through; the panel is now gone through of persons in health. However, I should not now have addressed you if I had not a further reason.---My Lord, I hope that I shall be the most infirm man in this Court, because I feel much more anxiety for the preservation of the criminal law and practice of the land, than I do for any hazard that attends me upon this trial.

My Lords, I have been in this case, and I dare swear that your Lordships have, and the Jury too---that when I have intended to travel a long-accustomed road home to my own house, some sudden distraction of the thought has made me inattentive to the passage; when I have come to myself, and my attention has returned, I have observed that there were not those objects, the house, the gate, the stile, or the gap I had been accustomed to see, and instantly I have recollected that I must be out of my road; then I have stopped, and have gone back, because the accustomed succession of objects did not occur. The same thing happens upon these proceedings; see where we are; nine days upon a trial---the Jury pass and return day after day without clean shirts, unshaved---the Judges quitting the Court, and returning again and again---a question put upon what shall be done, in this strange and unknown case, for the Jury---no question put what shall be done for the Judge. An English Jury, fairly and impartially taken, I have always believed to be as incorruptible, and as little likely to be tampered with, as any Judge whatever: the Judge is compelled to stay as well as the Jury; if the Jury go unshaved and unshirted, so must the Judge; it is true, that when the Jury retire from the Court

Court somebody goes with them as keeper; the Judge is like-
wise in custody upon the bench, and the eyes of every person in
Court are his keepers.

My Lords, upon this occasion every part of the criminal law
and practice of this Country is totally destroyed and gone; for if
the Crown, with the monstrous range of influence that it has
now, superior to what it ever had at any other time---if the
Crown, with the influence it has upon the officers who make
the pannel, together with every other influence that I will for-
bear to mention---if the Crown should take the advantage of a
practice sound fault with, I remember, by Williams, in a parti-
cular case, where he said, it is true, such things have been suf-
fered at the time that small pannels were returned, but you have
returned to me now upwards of a hundred; and there are re-
turned in this case two hundred and twenty-eight, the propor-
tion of the power of the Crown in such returns as this is ex-
ceedingly great; for with thirty-five challenges, if they returned
seventy, the Crown would only have an equal share, or perhaps
not so much; but to allow the Crown an unlimited challenge
out of two hundred and twenty-eight, when the prisoner can
only challenge thirty-five---My Lords, look back, see what
is become of your criminal jurisdiction; if you do not, as in
the common affairs of life, see that succession of objects to
which you have been accustomed---My Lords, stop, turn back,
you must be in the wrong road. The glorious structure of
the English criminal law is such, that you cannot take out a
stone but the whole must come tumbling about your ears; it
must tumble now if this practice is allowed. I for myself hope
that no infirm gentleman shall be taken upon this Jury, because
I had rather die where I stand than consent that the Jury and
the Judge shall quit this place till the cause is gone through. I
do therefore beg that the Jurors may be men in health, that
they may not suffer in doing their duty, but that I may be the
first victim. The law never intended that the crime of High
Treason, which ought to lay in the palm of your hand, should
take up five days in the proof; therefore I beg your Lordship
will be so good as to let me die in this place, rather than that

the whole criminal law and practice of this Country should be destroyed; I beg that no infirm man may be upon my Jury, and that your Lordships will turn your thoughts to the situation into which this Country is brought---that you will stop, and turn back, and get into the right road.

Lord Chief Justice Eyre. I do not see to what this address goes.

Mr. Tooke. That the Crown shall give their cause of challenge before an infirm Juryman shall be taken. The pannel is gone through. I am not much accustomed to these addresses to the Bench; I hope you will forgive me if I have not been so correct as I ought to be. The Crown have by favour, contrary to law, been accustomed to do what they have done, and therefore I bore it---I bore it because I was over-ruled by these gentlemen, in whose judgment I place my life and fortune, not knowing the practice, or caring so much for the practice as I do for the law, which I have read with my eyes open, and the language is as intelligible to me as to any gentleman of the profession. I am firmly persuaded the law is on my side. I forbore to object to the challenges for the Crown, in the first instance, being made without cause shewn; but the pannel has been gone through, our challenges are exhausted, and there are only infirm Jurymen to make up this pannel; therefore I think I am entitled to call upon the Counsel for the Crown to state the cause of their challenges; and that I may have those good men whom they have rejected without cause at all, unless their cause is sufficient to support the challenges they have made.

Lord Chief Justice Eyre. Your Counsel advised you very properly not to resist the challenges for the Crown, in the course in which those challenges have been taken. As far as our legal history affords us any information upon the subject, the course is a clear one; the Crown has no peremptory challenge, but the course is, that the Crown may challenge as the names are called over, and is not bound to shew the cause of the challenge until the pannel is gone through; that is the course of proceeding, which is now so established that we must take it to be the law of the land. At the same time I feel that
the

the circumstance, which is become absolutely necessary, of making the pannels vastly more numerous than they were in ancient times, might give to the Crown an improper advantage, arising out of that rule; and whenever we shall see that improper advantage attempted to be taken, it will be for the serious consideration of the Court, whether they will not put it into some course to prevent that advantage being taken. I do not perceive at present that there is any complaint that an ill use has been made of this power in this instance. How many have been challenged on the part of the Crown?

Mr. Shelton. Seven.

Lord Chief Justice Eyre. Therefore, I say, it does not appear to me that any improper advantage has been taken.

Mr. Tooke. Seven is a majority of my Jury.

Lord Chief Justice Eyre. It does not appear to me at present that an improper advantage has been taken by the Crown; therefore, we must see what the rule is.—The rule is, that when the pannel is gone through, if there be not a sufficient number left to serve upon the Jury, the Crown is to shew the cause of its challenge. The pannel is gone through now as I take it; we reserved two or three cases of persons who had desired to be excused; their excuse was of a kind which hardly called upon us in strict justice to dispense with their service; at the same time, if there were enough upon the pannel to serve, the Court were inclined to listen to that excuse. The question now is, whether they are to be called upon to serve, before the Crown shall be put to assign the causes of its challenges.

Mr. Tooke. I only mean to suggest to your Lordships an acknowledged infirmity, and the prospect of a trial of two hundred hours.

Mr. Attorney General. Your Lordship observes, on calling over this pannel, that nearly one half are either disabled by ill-health, want of qualification, or by other reasonable excuse from serving. It has occurred in the course of this trial, that after the Jurors were called over the first time, the names of the defaulters were not called over the second time, which I believe has been usual. In the course of what my learned friend stated

to the Court, they who sit by me will do me the justice to say, that I really felt that the prisoner might be put into circumstances in which I would not wish to place any man, by calling a person into the box in order to be sworn after his thirty-five challenges had been taken; and I feel it in this way, namely, that he may perhaps have challenged A, when he would have challenged B instead of A, and that, therefore, he is put into this situation—that he must waive a challenge which he has before made with consent, or without consent, and then that he must take a gentleman upon his Jury with a sort of uneasy sensation in the mind of that gentleman, perhaps because he has been challenged. I was just about to get up to state to your Lordship, that I did feel that in this stage of the business, without travelling into a great deal of matter, which does not appear to me to have an immediate application to the subject, I am ready to admit the objection of my friend Mr. Erskine. But, at the same time, I must humbly ask that the names of the defaulters should be called over; because I think it necessary to the administration of justice, that gentlemen, who seem to have no reasonable excuse for non-attendance, should understand that the justice of the Country requires that they should attend, and that that information should be given them in the proper way. I am also fairly to state to your Lordship, that I certainly did not foresee, with such a large number of individuals upon this pannel, that I should be called upon to shew cause for my challenges. I am very desirous that this trial should proceed; and, therefore, I now waive my objection to every one of the persons I challenged.

The three following gentlemen were again called:

Matthias Dupont, sworn.

William Harwood, sworn.

Henry Bullock, sworn.

Robert Mairis,

William Cooke,

Charles Pratt,

Matthias Dupont,

William Harwood.

Henry Bullock.

Week 1

The indictment was opened by Mr. PERCIVAL.

MR. SOLICITOR GENERAL.

May it please your Lordship—Gentlemen of the Jury.

YOU have heard the indictment against the prisoner at the bar read, and you have heard it stated to you. I therefore shall not detain you by restating it at large. I shall simply observe, that it charges the prisoner with the crime of High Treason, in compassing the death of the King, laying as overt acts of that Treason, as the law requires, various different acts, which it imputes to the prisoner, any one of which, if proved, will require you to give your verdict, that the prisoner is guilty of that Treason. The main tendency of these acts is a conspiracy to subvert and alter the Legislature, Rule, and Government of the Kingdom, and to depose the King from his Royal State, Power, and Government.

Gentlemen, the law upon this subject is perfectly clear, namely, That any act done, the consequence of which may endanger the life of the King, is taken to be an act done in pursuance of an intent to compass the death of the King, demonstrated by the act, and is the crime of High Treason.

Distinct imagination of personal harm to the King does not necessarily form any part of this charge; nor is it material whether a person so charged has in his contemplation all the consequences of that which he is about to do; it is sufficient if such are the probable and ordinary consequences of that which he is about to do. It has therefore been held, that conspiring to depose the King is clearly an act of High Treason, because it is an act which, in its consequences, tends to bring the King's life in danger. Conspiring, in any degree, to deprive the King of his Royal Authority, so that those who ought to be subject shall command, and the King shall be compelled to obey authorities which the Constitution of the Government has not required him to obey, that is a conspiracy to depose the King, and has been uniformly held to be High Treason.

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I shall not therefore, Gentlemen, detain you with any discussion of the law upon the subject, because I take it to be so clear and plain, that if, according to your belief, the charge of a conspiracy to subvert the Legislature, Rule, and Government of the Kingdom, and to depose the King from his Royal State, Power, and Government, is proved, the consequence must necessarily follow, (supposing the prisoner to be brought within the charge) that he is guilty of the crime of High Treason.

Gentlemen, I feel, I very deeply feel, the importance of the case before you; and, feeling it, I feel my own insufficiency for the task imposed upon me. I know not what may be the consequences of the event of this trial. Whether the Constitution, to which a great majority, I trust, of the people of this Country, are firmly attached, is to be defended by the law of the Country, or whether those who have formed that attachment may be compelled to rally round its standard, and to defend it by their own arms, and their own force. I hope, and trust, no such event will happen. But, feeling as I do, I am oppressed by the weight of the cause which I have to state to you.

Gentlemen, I attribute to the prisoner, together with others, a conspiracy to depose the King, a deliberate plan to subvert the Constitution of the Sovereign Power as by law established, and to execute that plan by his own force, and by the force of those whom he hoped to draw to his assistance. This, Gentlemen, whatever the object was to be; whatever the consequences; whether it was to establish one form of Government, or another; whether to effect one sort of change, or another, is, I conceive, unquestionably deposing the King, depriving him, for that purpose at least, of his Royal State, Crown, and Dignity; and making him, who is to command, to obey.

Whether, therefore, it was in the contemplation of the prisoner to form a new Government, of one kind, or of another, a Government of King, Lords, and Commons, constituting any part of that Government, different from what it now is, or a Government by a King, and one general assembly, or by a general assembly without a King, or Lords, for the purpose of this charge it is exactly the same thing; it is altering the Constitution

of the established Government, by a power which, according to that Constitution, cannot be permitted to alter it; namely, by the force of individuals, and not by legislative acts of the constituted power itself.

After the length of time which has elapsed, even from the act of summoning you to the situation in which you now stand, and especially considering what the length of the present trial may be, I will not detain you, by opening to you, in detail, the evidence which will be offered. I shall endeavour to confine myself to a general outline, which, I hope, will enable you, as the evidence shall be offered to you, to combine the several parts, to apply them to the subject, and to understand the whole, drawing from it that result which I conceive ought to be drawn from it.

Gentlemen, as I stated to you, I attribute to the prisoner, and those with whom he was engaged, a conspiracy to effect a change in the Sovereign Power of the State, by their own force.—That Sovereign Power, you well know, according to the Constitution of our Government, is formed of the King, Lords, and Commons, in Parliament assembled, in matters of legislature; of the King alone, acting in the several ways which the Constitution requires, in the administration of the Government.

I attribute to the prisoner at the bar, that, for the purpose of accomplishing that conspiracy with which I charge him, he, and those with whom he was associated, had quarrelled, not merely with the administration of the Government of the Country; not merely with the frame of the Constitution of that Government, but even with the principles upon which that Constitution was founded; their objections, therefore, were radical and entire. They asserted that no government could be lawful, but a government founded upon what they termed the Rights of Man. The consequence of that position, if true, must necessarily be, that, as every other description of government is in itself unlawful, it is the duty of every man to destroy every government so unlawfully constituted; and it must occur immediately to you, Gentlemen, that this consequence must necessarily produce universal confusion: for, according to their own declarations, there exists no government perfectly constituted.

If such was the design of those who were engaged in the conspiracy which I have mentioned, every act towards the accomplishment of that design I conceive to have been an overt act of High Treason against his Majesty and his Government; for it was an overt act towards accomplishing a design, which design had in view the subversion of the Constitution of that Government; and necessarily had that subversion in view, because those who formed it declared, that the Government itself was founded on principles on which no Government ought to stand, or could be permitted to stand.

Gentlemen, I well remember, when those who were alarmed by what had been passing in France were told that their alarm was ill founded; when it was said to them, Why are you alarmed at what is passing in France? The situation of the two countries is totally different. In France they had no Government which could form the subject of the attachment of the people—they had a Government which was in principle tyranny—a Government detested by all people, and which therefore fell the moment it was attacked—for Governments can only subsist in the opinion and in the love of the people—but the British Government is a Government firmly and deeply rooted in the hearts of the people, and therefore you have no cause to fear.

The argument was just; and the prisoner at the bar, and those who were engaged with him, felt the truth of the argument, and held it out themselves to the world, though they determined to destroy the foundation of it—they determined to destroy that attachment, that opinion, which they themselves stated to be the security of the British Constitution, and to constitute the difference between the situation of this Country and the situation of France. For this purpose they taught that no Government could be lawful, but that which was founded on what they called the Rights of Man; which they interpreted to include, amongst other things, the right of equal, active citizenship. The right of equal, active citizenship, was inconsistent with the principles of the British Government; for the right of equal, active citizenship, cannot exist with an hereditary King, or an hereditary House of Lords; the moment therefore it was
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said, that equal, active citizenship was a right of man, an inalienable, imprescriptible right of man, and that no Government could lawfully exist, which was not founded on the principles of the Rights of Man, it was said that the British Government was unlawfully constituted; that, therefore, the subjects of that Government could not lawfully be bound by it, and the position tended instantly to destroy, not only the faith of that allegiance which we all ought to bear to the Government of our Country, but it tended also to destroy all that opinion upon which alone it was stated, that there existed so marked a difference between the situation of this Country and that of France. The moment the people could be induced to believe that the Government, as established, was not that to which they ought to be attached, but, on the contrary, was a Government founded on injustice and oppression, in that very moment the situation of this Country was become exactly the same as that of France; for what destroyed the Constitution of the Government of France, such as it was, but its total failure in the opinion of the people of the Country.

Gentlemen, you will find, in a book that will be produced to you, what I have now been stating, enlarged upon, and stated with much more clearness, and much more precision, than I am able to state it to you; it is stated with great ability in a work of Mr. Joel Barlow.

Gentlemen, the people were taught, in consequence of this doctrine, that they were slaves; that their Government was not, as they imagined, a free Government, but a Government, of conquest, of usurpation; that its consequences were not those which we had been long led to suppose them to be—as much freedom as generally speaking was thought to be consistent with good order—but that it was a complete system of slavery and oppression; they were taught, likewise, that from this slavery and oppression they must emancipate themselves.

If this doctrine had been established in the minds of the people, a great length would have been gone in making way in their minds towards the absolute subversion of the existing Government; and I must here observe, that it is immaterial to your consideration,

sideration, whether the prisoner at the bar thought the principles which I have stated just or not, or whether he meant to establish a Government founded upon those principles—whether he conceived that a Government, founded upon the supposed principles of the Rights of Man, was, or was not, the best Government which could be instituted—that seems to me, Gentlemen, to be totally immaterial: he meant to use those principles to destroy the existing Government. That is what I charge him with; and, if you should be of opinion that he meant to use the propagation of those principles as a means to destroy the existing Government, and that he did propagate those principles, the charge, as I conceive, is complete. I must also observe here to you, Gentlemen, that whenever persons conspire against the existing Government of a Country, it is impossible for them to be certain of all the consequences of their acts; it is impossible for them to say, so far we will go, and no farther, for, when the existing powers are destroyed, in the interval between that destruction and the erection of a new Government, the Country must necessarily be in a state of anarchy and confusion; and those who have been excited to the measures which have led to the destruction of the existing Government, may have been excited by such a variety of means, by such a variety of objects; may have had such different passions, such different views to gratify; that no one man, no body of men, can venture to say where all the mischief will end. If we wanted an instance to illustrate what I have now been stating, there is a neighbouring country in which it is completely illustrated.

Gentlemen, the prisoner at the bar, and those with whom I charge him to have conspired, did not content themselves with simply endeavouring thus to destroy, in the minds of the people, their affection and attachment to the British Government, by attacking the principles upon which it was founded, and by endeavouring to establish, as the only just principles of Government, principles incompatible with that Government, they made use of every other means which might answer the same purpose.

You all know, that a Reform in the House of Commons has long been the object of public attention; that it has long been

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an object pursued with a considerable degree of eagerness by several different persons; and that various proposals have, from time to time, been made for that reform; proposals differing extremely in the principles on which they have been founded; some moderate, others more violent; and perhaps even their variety shews the difficulty of accomplishing any reform proposed. But the persons who are charged with this conspiracy never attempted to hold out to the public any plan of moderate reform of the House of Commons; they assumed one which has been generally esteemed in other Countries; in those Countries where there has been a body of representatives of the people, in America and in France, under the Constitution completed in 1791, impracticable, or tending necessarily in its consequences to universal confusion; I mean the plan of Universal Suffrage.

Gentlemen, this plan had many things to recommend it to men who were engaged in the conspiracy, which I have stated to you; it was useful to mislead. It had originally, to a certain degree, the sanction of a considerable name; that of the Duke of Richmond—and it had been frequently agitated. But you will recollect, Gentlemen, that that was some years ago; that for a considerable time past it had been, by the majority of thinking people in the Country, considered, as in itself, impracticable; and it was perfectly well known that the leading men, who form what is commonly called the Opposition, in Parliament, whatever views they might have of Parliamentary Reform, never conceived an intent of going to that extent; that, on the contrary, they were, in general at least, extremely adverse to it. And it will be shewn to you, in the course of the transactions which will be laid before you, that this was clearly and distinctly known to the persons who were engaged in the conspiracy I have mentioned; and particularly it was known that a man, of whose abilities I cannot possibly speak too highly, and differing, as I do, from him in many respects—a man to whom, in respect of abilities, I cannot withhold the utmost tribute of esteem—I mean Mr. Fox—it was well known that he was extremely adverse to it; that he conceived that the proposal of Universal Suffrage and Annual Parliaments, was, in effect, a proposition for universal confusion.

You will find, therefore, that he was determined not to support a measure of that sort; but, on the contrary, when a petition to the House of Commons was offered to him by his constituents to be presented, containing a prayer to that effect, he declined presenting it, so far as he thought he could with propriety decline presenting it as coming from his constituents; he begged that he might not be called upon to present it, because he should conceive it to be his duty to oppose it.

Gentlemen, the prisoner at the bar was well aware of all these circumstances. He knew that if Universal Suffrage and Annual Parliaments were proposed to Parliament itself, as a Reform of the House of Commons, the proposal must be rejected; because in all probability, amongst all the advocates for Reform, there would hardly be found one to vote for it. Gentlemen, this I conceive to be very important for you to consider; because, as it strikes me, it distinctly proves that Reform in the House of Commons, by the existing Legislature, was not the object of the conspirators. But it was, therefore, determined, that Universal Suffrage and Annual Parliaments should be adopted as a principle never to be departed from; and the people were to be taught to insist upon that, at the least; and they were likewise to be taught that if that was granted, all would follow. Gentlemen, I have no doubt of the consequence. I can have no sort of hesitation in my mind that every consequence of anarchy and confusion must arise from such a measure.

Gentlemen, knowing that such a proposition would never be acceded to by Parliament itself, the insisting upon it as a principle never to be departed from, necessarily raised a perpetual bar against Reform by Parliament; because if they were determined to accept only that which they knew all parties in Parliament would reject, it was impossible that they should seriously have in their view an intention of obtaining a Reform by Parliament. The consequence also necessarily was, that those in whom they had raised discontents, in whom they had raised a persuasion that Universal Suffrage was their unalienable right, that they ought to insist upon it, never to depart from it, that they were to urge it, as you will find by the papers that will be laid before you,

you, at the hazard of their lives; the people to whom this was taught were necessarily also taught, that what they wished to obtain, they were to obtain by their own force. For there were only two ways by which it could be obtained, by an act of the constituted Legislature, or by force; and if they were once taught that the constituted Legislature never would accede to their proposition, the only alternative was clear; they were to effect their purpose by their own force.

But, Gentlemen, these conspirators went still further, for they taught the people that Parliament *could* not reform it itself; that a Reform of any part of the Constitution of the Government could only be made by the people assembled in what was called a Constituting Assembly. And if you look through the works of Mr. Paine, particularly, you will find this doctrine clearly, distinctly, and repeatedly laid down; that Parliament *could* not reform itself; that it was contrary to the nature and constitution of Parliament; and particularly alluding to a bill brought into the House of Commons for that purpose by Mr. Pitt, it was asserted by Mr. Paine, that that bill proceeded upon a totally wrong principle; for that it was impossible for the Parliament to reform itself. Gentlemen, if it was impossible for the Parliament to reform itself, and if the Parliament needed reform, the reasoning was clear, decisive, and conclusive; that a Reform was only to be effected by the people acting for themselves. And it must also appear to you that the people cannot act for themselves but upon the dissolution of the existing Government, and of that Legislature which, according to the Constitution of the existing Government, ought to act for the people.

The terms, "Universal Suffrage and Annual Parliaments," were capable of being applied not only to the House of Commons, but to both Houses of Parliament; or to all the branches of the Legislature. They are general terms, capable of that extended application; and you will find, in the course of the evidence which will be laid before you, that the terms are never distinctly applied to the House of Commons alone; and, on the contrary, that the terms are frequently so used, that you can have no doubt that they were meant to be applied to both Houses

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of the Legislature; and that in truth they were, indirectly at least, applied to all the three branches of the Legislature.

These terms are particularly so applied, in some of the papers which will be submitted to you, and in a manner upon which it is impossible to form a doubt. Because when principles are first laid down totally incompatible with the existence of any hereditary body, and when the term, " Universal Suffrage," is applied to a Parliament constituted upon those principles, the result is necessarily clear and plain. You will find it asserted, that the civil rights of every individual are equality of voice in making of laws, and in the choice of persons by whom those laws are to be administered. Then you will find it asserted, that a total departure from this principle of equality in the election of the Legislative Body, commonly called the House of Commons, is the chief cause why the people of Great-Britain now are deprived of the benefit of the foregoing principles, and of Universal Suffrage; and you will find accordingly, in papers which will be produced to you, that when a Parliament is spoken of, it is spoken of in the aggregate, as the People's Parliament, and wholly elective.

When the minds of men were led to this point; when they were led to conceive that Universal Suffrage was their indefeasible right—even independent of the principle, to which I can give no epithet but the mischievous principle of equal active citizenship, especially when applied both to the formation of the Legislature, and to the administration of the laws, because it necessarily includes a completely elective Government, but independent of that principle—the moment it was established that Universal Suffrage, even applied to the House of Commons only, was the unalienable right of all men; when it was known that the existing Legislature would not concede that point; and when it was likewise taught to the people, that the Legislature could not reform itself, even if so disposed, the minds of the people were brought to, and perfectly ripe for, the overthrow of the British Constitution. And if the dissemination of these principles had proceeded to such an extent as to work their way amongst a very large body of the people, you must

be sensible, Gentlemen, that nothing but extreme confusion could follow.

Gentlemen, there are many men who are not likely to be greatly moved by mere speculative opinions; therefore the Rights of Man, the rights of equal active citizenship, the right of Universal Suffrage, were not likely alone to work upon the minds of a great number of people; those, therefore, were to be worked upon by other means, and every subject was seized which could be used in order to enflame: tythes, for instance; the inclosure of commons; the public debt; the public expen-
diture; the expence of a monarchy compared with the cheapness of a republic: every article of this sort you will find made use of for the purpose, and avowedly for the purpose, of working upon the minds of those men who were too stupid, as it was said, to be worked upon by more liberal means, by applying their reason to the principles of Government. The poor were taught that they were oppressed by a combination of the rich, and to the rich, in which description seem to be included all that had any property, was given the name of Aristocracy. By these means it was endeavoured to set the poor against the rich; and it was endeavoured to excite those who had nothing, to aim at taking that which other men possessed, because (it was alledged) the means by which they had become possessed of their property were not lawful means.

Gentlemen, you must all see that if we are to advert to the origin of the title of every man to the property which he has, and if that is to be scrutinized to the utmost, it will be difficult to say what property is safe, or upon what principles it shall be said that such a man has a just title to his property, and such a man has not. The rule that has generally been hitherto considered as a safe rule in every Country has been, that every man has a just title to that property which the laws of his Country support him in the enjoyment of; and if we are to go beyond that, into any speculative investigations of the subject, it is impossible to say where they will end. And if, Gentlemen, you advert to what has happened in France, you will see the necessity of adhering strictly to the principle which I have stated, namely, that
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a man has a right to that property which the laws of his country say he shall be protected in the enjoyment of; for in France persons have been stripped of property under pretence of titles which, if ever they existed, could not have existed for centuries.

If, however, the minds of men could by any means be inflamed—those minds which were capable of being acted upon by speculative discussions of the Rights of Man—the principles of Government—or those grosser minds which were to be worked upon by attention to their own interest, or by a representation to them of the particular oppressions which it was conceived they might feel, or might fancy they felt, without considering whether those oppressions might not be the necessary consequence of all Government, or simply faults in the administration of Government—you will easily see, Gentlemen, that when the minds of men were enflamed by any of these means, the consequence would be precisely the same; if people were irritated against the existing Government of the Country, they might be easily led to overthrow that Government.

All these arts were used to obtain what, you will find, formed the great end, the grand plan, the common cause of England and of France, universal emancipation; a language to catch a great number of people who might not reflect, with any great correctness, upon the terms used, or the consequences which were to follow from them.

Gentlemen, I have stated to you what I conceive to be the extent of the conspiracy; but if it was in the view of the prisoner to prevail on the people to change any thing in the Constitution of the Government by their own authority, and he acted in pursuance of that view, I conceive he is equally guilty of the crime with which he is charged. He had that in view which he could not expect to controul. The people, when excited, would act, not upon what he wished, but upon what they chose to wish; and perhaps the security of himself, and the security of others, who might be engaged with him; perhaps the security of others, totally disregarding him, might require their going to lengths which might not immediately be in his contemplation. It is therefore, Gentlemen, that, by the law of

England, when men form plans, the consequence of which may lead to the destruction of the Government in any of its parts, the consequences of which (if the Government is so destroyed in any of its parts) necessarily lead to the deposition of the King; at least to that extent the persons so engaged are conceived to have formed the design of compassing the death of the King, and therefore to be guilty of High Treason, whatever their leaders may have originally intended; for they are engaged in that of which they cannot command the consequences, and in respect of which they therefore must be answerable for whatever, in the ordinary course and nature of things, may be the probable consequences; and this will be found to be absolutely necessary for the security of every State.

The means by which the persons, who were engaged in this conspiracy, were to accomplish their ends, were principally to be effected by that association which has effected the same thing in France; that association which we are now to hope may possibly be put an end to in that country, as it has been found that the existence of any Government is totally incompatible with the existence of such associated clubs and societies as have been formed in France, consisting of what is commonly called the Jacobin Club, and of the several associated and affiliated societies, to the amount, I think, of upwards of 40,000, which were dispersed all over that country. You will see that it was clearly and distinctly in the view of the prisoner, and those engaged with him, to establish the same sort of association of clubs, united in the strictest manner, and by the closest correspondence, throughout all the Country; to disseminate those clubs from town to town, from village to village, as, I think, the expression is in some of the letters that will be produced to you, until the whole body of the people—that is, the whole body of those who should choose to enter into these clubs—should be so united, that they should move forward all at once; and this you will necessarily perceive, if not counteracted, must lead to the destruction of the Government of any Country. For, if in such a capital as this, a body of men is formed, acting in concert and combination with other bodies of men dispersed through the whole Country, whose

number, whose names, are, in a great degree, unknown; their force can never be calculated, but they are a united body, acting in perfect order, acting as a corporation, as a State within the State itself, and having all the force and compactness of a State, and subject to no controul whatever.

Gentlemen, I have stated to you that this was done in imitation of the Jacobin Club at Paris, and of its several associated Societies. Perhaps in so stating I do injustice; for I know not whether, in fact, the French did not copy from this Country. However, whichever was the original, you will find one set of Societies hailing the other as brothers and fellow labourers in the same cause.

Gentlemen, the principal Societies thus acting in this Country were two; one called the Society for Constitutional Information, of which the prisoner at the bar has been long a member; the other called the London Corresponding Society, which was instituted early in the year 1792, and, as I think you will be convinced by the evidence, directly under the patronage of the prisoner at the bar. The principles of these Societies you will find to be universally (as I think you will be convinced by the evidence) republican; their Constitution was, in a great degree, not so. On the contrary, you will find that the Constitution of these Societies led to what may be termed the most aristocratic Government that ever existed in any Country. I will instance the London Corresponding Society. That Society was divided into a number of what were called Divisions; I think to the amount of about thirty; though these Divisions were never complete, so that perhaps sixteen or eighteen were all the Divisions that really ever assembled at one time. Each of these Divisions was to choose a Delegate; the Delegate from each of these Divisions, meeting the other Delegates, formed what was termed the Committee of Delegates; the Committee of Delegates had another Committee, to which sometimes the name of the Committee of Correspondence, and at another time the name of the Secret Committee, you will find, was attributed; the true name was that of the Committee of Correspondence. But you will find that, from the nature of the Com-

mittee itself, it soon got the name of the Secret Committee, and that, in the end, it was so secret a Committee that it was not known to the rest of the Society who were the members of it.

Gentlemen, you will see, therefore, that in truth this London Corresponding Society, which is represented as consisting, sometimes, I think, of 6,000 members, was governed by eighteen or twenty Delegates, who were governed by a small Committee of five or six; the consequence was, that in truth the five or six were the active men, and the others were merely to be used as the five or six chose to use them.

The Society for Constitutional Information had been formed many years ago, and therefore had been formed upon very different principles; upon the same principles on which common clubs and associations of the same kind are usually formed. It was a meeting in which gentlemen who entered into the club were upon an equality; but the respectable names of which it had been originally formed, by degrees fell off; and you will find that in the latter years, particularly in the course of the three last years, the prisoner at the bar, and a few other persons, have been the only constantly attending members. Gentlemen, you will find that this Society likewise, in the end, framed a Committee of Correspondence, which tended to give their Constitution something of the same nature as the Constitution of the London Corresponding Society. But the Society being small in number, and principally composed of persons of a different rank in life, the whole Constitution of the London Corresponding Society was not compatible with the nature of the Society for Constitutional Information.

Gentlemen, these Societies corresponded with a number of other Societies throughout the Kingdom; and you will have, in evidence before you, their correspondence with a Society in Southwark, with a Society at Manchester, with a Society at Sheffield, with a Society at Norwich, and, I believe, with some other Societies; and when you advert to the correspondence between these several Societies, and to the declarations of the several other Societies, adopted as they were by the Society for Constitutional Information, to which they all looked up—and

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particularly they looked up to the prisoner at the bar, as the leader of that Society—you will find that their principles led to the establishment of what was called Mr. Paine's Rights of Man, and consequently to the total destruction of the British Government. For, Gentlemen, if you advert, in any degree to what is laid down in Mr. Paine's books, you will find his assertions to be totally incompatible with the existence of the Government as it now stands in this Country. You will find it particularly asserted by Mr. Paine, that in whatever manner the separate parts of a Constitution may be arranged, there is one general principle that distinguishes freedom from slavery; which is, that all hereditary Government is, to the people, a species of slavery, and that a representative Government is freedom; that Monarchy would not have continued so many ages in the world had it not been for the abuses it protects; that it is the master fraud which shelters all others; that the principles upon which Constitutions are now formed (Mr. Paine adverting to the American Constitution, and to that which is formed in France), reject all hereditary pretensions to Government—reject all that catalogue of assumptions known by the name of prerogative; and he adds, that the oath called the civic oath, in France, (I am now speaking of the first part of the Rights of Man, which was written before the final destruction of the French Monarchy) to the Nation, the Law, and the King, is improper; that if an oath ought to be taken at all, it ought to be, as in America, to the Nation only; and then he foretels, in clear and decisive terms, that Monarchy will not continue in France; and the reason which he gives for this assertion, is a reason which unquestionably is in itself unanswerable, namely, that it was inconsistent with the principles upon which the Government, then established in France, was founded. For he conceived that the principles upon which the Constituent Assembly of 1791 had formed the Government, were what he calls the principles of the Rights of Man; and it is perfectly true that Monarchy, or any hereditary establishment whatever, is perfectly inconsistent with those principles. He therefore foretold, in no equivocal terms, the approaching dissolution of the Monarchy so constituted in France,

and the establishment of a complete Republic; a prediction which you know, Gentlemen, has since been accomplished; and he, as well as Mr. Joel Barlow, you will find considered in their several works, that the persons who, in the Constituent Assembly of 1791, acceded to retaining the kingly office in the Government which they framed, did so out of respect only to the prejudices of the people, because they conceived the people were not then ripe for the total destruction of Monarchy; that they therefore established a Government in which the kingly office nominally remained, but placed in such a situation, and placed together with powers formed on principles so totally opposite to those of an hereditary monarchical Government, that it was impossible both should stand together; and therefore they conceived the Monarchy, as the weakest, must necessarily fall.

Gentlemen, you will find the prisoner at the bar approving of all these publications, and shewing, in terms unequivocal, what were his opinions upon these subjects, or at least those opinions which he chose to manifest for the purpose of accomplishing his wishes with those whom he was endeavouring to excite to the destruction of the existing Government. You will find him, in a letter which will be read to you, in answer to a letter from a person who assumed the appellation of the Editor of the Patriot; a paper which was printed at Sheffield; a letter which details, with a wonderful minuteness, all the arts that were to be used, and which I have described to you, for the destruction of the existing Government in the opinion of the people—which speaks of the manner in which reason, imperial reason, was to act as the generalissimo, or commander in chief; but that art was to be second in command, for the purpose of inflaming the people, and exciting them against the Government of the Country. The answer to that letter, in which I understand the handwriting of the prisoner at the bar will appear, concludes thus: “Freedom, though an infant, makes Herculean efforts, and the vipers, Aristocracy and Monarchy, are panting and writhing under its grasp. May success, peace and happiness attend those efforts.” Efforts which you observe were to be made by
freedom,

freedom, compared to an infant Hercules strangling the vipers Aristocracy and Monarchy, representing Aristocracy and Monarchy as of that description of things which answered the term of vipers stinging the bosom in which they were nourished.

Gentlemen, you will find that when a Society at Norwich applied itself to one of these Societies for an explanation upon the subject of their intention, whether they meant to be content with the Duke of Richmond's plan, or, as some of the Societies seemed to propose, to rip up Monarchy by the roots—the answer—an answer given after a great deal of deliberation—went in no degree to the point—but directing the Norwich Society, in all they should write and say upon the subject, to leave Monarchy alone—to attend to that which they had been before directed to attend to—the insisting upon Universal Suffrage as a clear, distinct principle, and that every thing else would necessarily follow.

Gentlemen—The views of these Societies will also perhaps not indistinctly appear from their transactions with a Society avowedly framed for the purpose of a Reform of Parliament—a Society of which you have probably heard under the description of the Friends of the People, avowing themselves to be advocates for a Reform in Parliament; that is, in the constitution of the House of Commons, but with a declared anxiety to preserve the principles of the Constitution itself. You will find, Gentlemen, that, in the course of the correspondence between the Society for Constitutional Information, of which the prisoner at the bar is a Member, and the Society of the Friends of the People, the Society of the Friends of the People found themselves compelled to decline, so early, I think, as May, 1792, all intercourse with this Society for Constitutional Information, because they conceived its members were going lengths far beyond the purpose to which the Society of the Friends of the People meant to confine themselves,

Gentlemen, this is not material, unquestionably, with respect to the view in which the Society of the Friends of the People saw the conduct of the other Society.—You are not to charge a man with a criminal act because other people have conceived

him guilty of it---but it is extremely important in this point of view---that when a body of the description of the Society of the Friends of the People entertained and avowed this jealousy of the Society for Constitutional Information, it became a man of the description of the prisoner at the bar, a man of considerable natural talents, and great acquirements, and who must therefore have seen the whole force of the answer sent by the Friends of the People to his Society---it became the Society completely to disavow that they had it in their remotest contemplation to do any thing which should injure the Constituted Government of the Country, and to declare that their object was as limited and as confined as that of the Friends of the People, though perhaps they might differ with them as to the extent of the remedy to be applied. But, Gentlemen, you will find that nothing of that sort was done. On the contrary, in the course of other correspondence with other Societies, you will find the Constitutional Society afterwards endeavouring to persuade the Country Societies, that the Friends of the People were not honest---that they did not mean to do any thing---and that the object of that Society was mere contrivance, to protect that which they pretended they meant to reform.

Gentlemen, the union of the Society for Constitutional Information with the other Societies, extended not only to correspondence, but to assuming a number of the members of different Societies as associated members of their own.---You will find, that, of a Society at Sheffield, which was a numerous and a particularly active Society, and which seems to have been under the direction of some persons of considerable ability, they associated twelve members some time in March, 1792. You will find, in like manner, at another period, I think in July, 1792, they associated six of the London Corresponding Society---that they associated members of the Norwich Society, and of some other Societies, for the purpose of uniting all these several Societies, by means of those honorary members, with themselves.

You will also find them, during the course of the year 1792, not only repeatedly adopting Mr. Paine's works in terms of the strongest and most unqualified approbation---in terms applying

clearly to those parts of his works which go most directly to the destruction of the British Constitution, but supporting Mr. Paine in a prosecution instituted against him for publishing the Second Part of the Rights of Man, sustaining him throughout that prosecution, and consequently adopting, in the clearest and most explicit manner, those passages in the Second Part of the Rights of Man which were the objects of that prosecution, which were conceived to be so extremely offensive, and to lead to such dangerous consequences---avowedly adopting the principles of that work as principles which were to be supported, and explicitly declaring that the man who laid down those principles was an honour to the Society to which he belonged (for he was an honorary member of this Constitutional Society) and a faithful servant of his Country.

Gentlemen, you will find them likewise, as various seditious publications by Mr. Paine made their appearance, adopting those publications; and particularly his Letter to the People of France after he was chosen a member of their National Convention, which, you will recollect, was after the utter destruction of Monarchy in France by the deposition of the King in August, 1792.---You will find them explicitly adopting that Letter, and ordering the printing of others of his publications, at their own expence, to an extent, in point of number, which strikes one when mentioned.---I think of Mr. Paine's Letter to Mr. Dundas, they ordered 12,000 copies to be printed for the purpose of dispersion.

Gentlemen, you will find them in like manner adopting a Letter of Mr. Joel Barlow to the People of France, with respect to the alterations which he conceived ought to be made in their Constitution of 1791.---And I think, when you read the Letter which Mr. Barlow sent to the Society with the printed copy of that Letter, and when you read the Answer to his Letter to the Society, and see the nature of his Address to the People of France, you will be astonished that any persons should hope to be esteemed friendly to the Government of this Country, who could approve, in such terms, such a letter as that of Mr. Barlow to the People of France. In his Letter to the Society, he expressly
states,

states, that he conceives his Address to the People of France, to be important to the objects of the Society: the object of the Letter of Mr. Barlow to the People of France being, to tell them that all that they had of Monarchy in their old Constitution of 1791, was totally wrong, was founded upon wrong principles; and that the destruction of Monarchy itself was essential to the true Constitution of every Government.

This letter he states to the Society to be, as he conceived, a letter important to the object which they had in view.----It is impossible to conceive in what manner it could be important to the object which they had in view, unless their object was to make the same change in the Government of this Country which the new Assembly in France was preparing to make in the Constitution which had been established in 1791, by the utter abolition of Monarchy.

Gentlemen, I before mentioned to you the address which the Society presented to the Jacobin Club. That was even earlier; for that was in May, 1792; and you will find this paper expressed in terms which will make it impossible for you to doubt that the persons who thus addressed that Jacobin Club, did so with a full conviction that they truly addressed them when they hailed them, "Brothers and fellow citizens of the world," and stated to them, that when they offered their congratulations on the glorious Revolution which the French Nation had accomplished, they spoke a language which only sincerity dictated.

Gentlemen, this address will be read to you; and therefore I will not detail to you the different parts of it; but there is one part which I will observe upon; and I will more particularly observe upon it, on account of the consequences which may perhaps have followed from it. After stating, "It would have given an additional triumph to our congratulations, if the "Rights of Man, which are the foundation of your declaration "of rights, had been recognized by the Governments around "you, and tranquillity established in all,"---including necessarily in that description the British Government, and therefore asserting their wish, that the equal Rights of Man, the foundation of the declaration of Rights of the French, upon which the Govern-

ment

ment of 1791, had been imperfectly constituted, should be established in all Governments. They add—" We now behold you, a nation provoked into defence, and we can see no mode of defence equal to that of establishing the general freedom of Europe. In this best of causes we wish you success. Our hearts go with you."

When they state that *they can see no mode of defence equal to that of establishing the general freedom of Europe*, I will beg you to recollect that the same idea is suggested in a work of Mr. Paine, "*that the revolution in France was to be accomplished only by establishing similar revolutions in all other Countries in the world;*" and I will beg you also to recollect, that it was the general opinion of the French, that the preservation of their revolution was to be effected, according to the expression of one of their ablest Deputies, *by setting the four corners of the world on fire*. You will then see the ground of that famous decree of the National Assembly of France, for establishing the general freedom of Europe, *as a system of defence*; and you will collect whether this Address of the Society for Constitutional Information to the Jacobin Society at Paris, may not have been the foundation of, or at least an encouragement to, the whole of that violent proceeding.

Gentlemen, these Societies were not contented with this Address of the Constitutional Society to the Jacobin Society at Paris, in which the prisoner appears to have had a very particular hand.—Indeed you will find in a great deal of the evidence which will be produced to you, the hand-writing of the prisoner, which shews that he directed the whole of their proceedings, and you will find this upon occasions, and under circumstances that will astonish you.—The Societies next proceeded to address the National Convention at Paris. Upon this subject a private correspondence took place between some members of the London Corresponding Society, and the prisoner at the bar. A Gentleman of the name of Frost, who appears to have been a person who corresponded with Mr. Tooke, was then at Paris; and you will find that in his conception of things, without the affair of the 10th of August (which you will re-

collect

collect was the total overthrow of Monarchy in France) liberty was at an end. You will likewise find, that during the course of these transactions, the prisoner at the bar was in correspondence with Petion the Mayor of Paris; a correspondence which in its language shewed that Petion considered himself and the prisoner as engaged in the same common cause. Their cause, as I conceive, could be no otherwise a common cause, than as they conceived, according to the declaration in the address to the Jacobins, "that the best defence for France was "the establishing the general freedom of Europe."

Gentlemen, you will find, that in consequence of a private correspondence between the prisoner at the bar and one of the members of the London Corresponding Society, the proposition to address the National Convention of France, apparently originated with that Society; but in truth it was a matter which had been previously settled between the prisoner and this member of the London Corresponding Society. The London Corresponding Society sent to the Society for Constitutional Information the address which they had prepared; and a Committee of the Constitutional Society was appointed to confer with them upon the subject, of which Committee the prisoner at the bar was one. This address the Constitutional Society did not think proper to adopt as their own; but they resolved that they highly approved of the spirit of it.

The address of which the Constitutional Society thus approved the spirit, is expressed in such terms, that I must detain you whilst I state some passages in it, because it seems to me, together with the address which was presented by the Society for Constitutional Information, plainly to shew the plan of these Societies. After addressing the French Convention in strong terms of friendship, the address of the London Corresponding Society represents them fervently supplicating the Almighty Ruler of the Universe to be favourable to the cause of the Convention, as intimately blended with their own; again asserting that the cause in which the French Convention was then engaged, was a cause intimately blended with that in which the Societies in London were engaged. They proceed, "Frowned
" upon

“ upon by an oppressive system of controul, whose gradual
 “ but continued encroachments have deprived this nation of
 “ nearly all its boasted liberty, and brought us almost to that
 “ abject state of slavery from which you have so emerged.”
 And here, Gentlemen, is another instance of that misrepresentation which I before-mentioned to you, artfully holding out to the people of this Country, that they were reduced to a state of slavery so nearly resembling that in which France was before the revolution of 1789, that there was scarcely a difference between the two Countries.

The address proceeds, “ they conceive it to be the duty of
 “ Britons to countenance and assist, to the utmost of their
 “ power, the champions of human happiness, and to swear to
 “ a nation proceeding on the plan you have adopted, an inviol-
 “ able friendship;”—that is, to swear inviolable friendship to a
 nation proceeding on a plan which had for its object the utter subversion of Monarchy, and all hereditary distinctions in the Government of their Country, and of establishing in lieu of it, a perfect representative Government, founded on the supposed principles of the Rights of Man. Then they proceed to state their own situation; that the stern, uplifted arm of authority kept back the timid; and add, “ Men now ask each other
 “ what is freedom? What are our rights? Frenchmen you are
 “ already free, and Britons are preparing to become so.” A clear and explicit declaration that they conceived the French were become free in consequence of the events of the 10th of August, by which Monarchy was totally destroyed in France, and that Britons were preparing to become as free as the French were become by those events.—“ Seeking our real enemies, we find
 “ them in our bosoms”—the vipers Monarchy and Aristocracy, which you recollect were mentioned in another paper—for they add, “ We feel ourselves inwardly torn by, and ever the victims
 “ of a restless and all-consuming aristocracy, hitherto the bane
 “ of every nation under the sun! Wisely have you acted in
 “ expelling it from France!”

Gentlemen,

Gentlemen, what is this but a declaration that one branch of the Legislature of this Country, the House of Lords, was an all-consuming aristocracy, and that the French had acted wisely in expelling aristocracy from France. At the conclusion there is a passage which shews, beyond a possibility of doubt, that their object was the establishment in this Country of a Government, from which not only what they call Aristocracy, but Monarchy, should also be banished; for they add, "While you enjoy the envied glory of being the unaided defenders of freedom, we fondly anticipate in idea the numerous blessings mankind will enjoy, if you succeed as we ardently wish;" that is, succeed in establishing that Government which the Convention were then about to establish, and by which Monarchy was to be totally annihilated, "if you succeed, as we ardently wish, the triple alliance (not of Crowns, but) of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world."

Can declarations be more explicit than these, that their object was, that the power which should be competent in this Country to make an alliance, should not be the King, by whom, according to the Constitution of this Country, all treaties with foreign States must be made, and with whom all dealings with foreign Powers must, at least, nominally be had, and that there should be a triple alliance—not of crowns—expressly negating the Crown—but of the people of America, of France, and of Britain, to give freedom to Europe, and peace to the whole world; adopting again the idea developed in the address to the Jacobins of May preceding, that giving freedom to Europe was the best defence for that which was then transacting in France. They add, "How well purchased will be, though at the expence of much blood, the glorious, the unprecedented privilege of saying mankind is free! Tyrants and tyranny are no more! Peace reigns on the earth! And this is the work of Frenchmen."

Can language convey in stronger terms, the ideas of men bent on the destruction of every thing to which they could give the terms Monarchy, Aristocracy, or the Crown in this Country;

Country; of establishing that which they conceive to be universal freedom, and abolishing what they call tyrants and tyranny, so that peace might reign on the earth.

You will find, Gentlemen, in the course of the evidence which will be laid before you, this repeatedly and artfully urged to catch men of enthusiastic dispositions, that if Monarchy and Aristocracy were abolished, and if all Governments were what they call " Governments of the people," wars would be at an end, and universal peace would reign upon the earth. Thus you will find one paper opening another, the same principles developed throughout, and those principles aiming at the destruction of the Government of this Country, and at the establishment of a representative Government.

Upon this address the Society for Constitutional Information resolved " that the thanks of this Society be given to the London * Corresponding Society for the above address, and that the Secretary acquaint them this Society do highly approve of the " spirit of the same."

Having approved of the spirit of this Address of the London Corresponding Society, they proceed to prepare a separate Address of their own, conceived in language as strong as that of the London Corresponding Society; so that I think you will be of opinion that they did not decline concurring in the Address of the London Corresponding Society, because they thought it too strong, but because probably they thought that expressing the same things in other words, they should convey the same ideas still more diffusively throughout the Country.

The Address of the Society for Constitutional Information to the National Convention in France, begins thus—" Servants " of a sovereign people, and benefactors of mankind, we rejoice that your Revolution has arrived at that point of perfection which will permit us to address you by this title. " It is the only one that can accord with the character of true " legislators." This is a clear declaration that an hereditary office of King, and an hereditary peerage, were, in their opinions, utterly inconsistent with the character of true legislators.

It

It is consequently a declaration that they wished to establish a legislature founded upon the same principle as that on which the Convention in France proceeded; upon a principle wholly elective. They proceed—"Every successive epoch in your affairs has added something to the triumphs of liberty and *"the glorious victory of the 10th of August, has finally prepared the way for a Constitution, which, we trust, you will establish on the basis of reason and nature."*

They conceived therefore, Gentlemen, that the events of the 10th of August were a glorious victory, and that it prepared the way for the establishment of a Constitution on the basis of reason and nature; a basis upon which every man must wish that every Constitution should be founded, only that what is reason, and what is nature, what is that basis upon which a Constitution ought to be founded, is that upon which many men are very likely to differ.

There are other passages in this Address which clearly shew the objects of the persons who presented it. They represent the condition of Englishmen, though not so bad as that of other countries, yet still as approaching to a state of slavery. They tender their warmest wishes for the full extent of the progress, and success of the cause in which the French Convention were engaged; and add, "It is indeed a sacred cause. We cherish it as the pledge of your happiness, our natural and nearest friends, and we rely upon it as the bond of fraternal union to the human race, in which union our own nation will surely be one of the first to concur." After stating the advantages to be derived from the proceedings of the assembly in France, they add, "Go on legislators, in the work of human happiness, the benefits will in part be ours, but the glory shall be all your own. It is the reward of your perseverance, it is the prize of virtue." And then considering that the sparks of liberty have been preserved in England, only so far as to shew the darkness visible in the rest of Europe; they speak of the lustre of the American republic as like an effulgent morning, but still too distant to enlighten our hemisphere,

sphere, till the splendour of the French Revolution burst forth upon the nation in the full fervor of the meridian sun; and displayed in the midst of the European world the practical result of principles which philosophy had sought in the shade of speculation; and which experience must every where confirm. The practical result of the principles thus applauded, you must consider as directly opposite to the principles upon which the material parts of the British Constitution are founded, because they are principles utterly inconsistent with an hereditary Monarchy, or an hereditary House of Lords. The Address concludes, "In this career of improvement, your example will be soon followed; for nations rising from their lethargy, will reclaim the Rights of Man with a voice which man cannot resist."

Gentleman, I have enlarged upon these two Addresses, because it appears to me that they develope with a clearness not to be questioned, the principles of these Societies, and shew that they were perfectly hostile to the Constitution of this Country; and because it seems to me impossible to conceive that men who framed and presented such Addresses, could have in view simply a reform of the Commons House of Parliament, upon any system of reform, meaning to go no farther.

Gentlemen, they were not misunderstood by the persons to whom their Addresses were presented; nor indeed did the persons who presented the Address of the Constitutional Society misunderstand its meaning. The persons chosen for this purpose were Mr. Joel Barlow, and Mr. Frost.

You will find that Mr. Joel Barlow, and Mr. Frost, at the time they presented this Address, pronounced an introductory Address from themselves, but afterwards communicated to the Constitutional Society, and perfectly approved by them.

In this introductory Address they express themselves thus:
 "Citizens of France, we are deputed by the Patriotic Society in London, called the Society for Constitutional Information, to congratulate you in its name upon the triumphs of liberty. Before the epoch of your Revolution, this Society
 Vol. I. E "employ d

"employed itself on this important object with little hopes of success." They then state, that innumerable societies of the same sort were forming in every part of England; that they excited a spirit of universal enquiry into the complicated abuses of Government, and the simple means of reform; that after the example given by France, revolutions would become easy; that reason was about to make a rapid progress; and that it would not be extraordinary if in much less space than could be imagined, the French should send their congratulations to a National Convention in England.

This introductory Address clearly points out the object of the Addressers. It clearly points out, that they considered themselves as labouring to little purpose until the event of the French Revolution; that the event of that Revolution in its consequences led to all that they proposed; that they considered this means for obtaining that which they proposed as simple; that these means were to be taken from the example of France, which example would make revolutions easy. What was the example of France? They tell you in the concluding words—the establishment of a National Convention—and, therefore, they conceived that it would not be extraordinary if in a much less space of time, than could be imagined, the French should send their addresses of felicitation to a National Convention in England.

Gentlemen, you will find that this idea of a National Convention did not originate here, but in an Address of the London Corresponding Society to the people, of the 6th of August, 1792. There the same idea is clearly advanced, that the people were to effect their own emancipation by means of that National Convention, from which alone they could hope to have it; by the people meeting in a Convention, because they could not expect to receive that which they wished from the constituted authorities of Government.

The President of the French National Assembly did not, in the least, hesitate to interpret this Address of the Constitutional Society, and the proceedings upon it; for in his answer to it,

he says, to the Addressers, "Those who now defend our liberty will one day become the supporters of yours." Then he adds, "Generous Republicans,"—so that he clearly conceived that their Address breathed the spirit of republicanism—he had not the least hesitation in applying to the persons who came to him with such an Address that epithet. He says, "The shades of Pym, of Hampden, and of Sydney, are hovering over your heads; and the moment cannot be distant when the people of France will offer their congratulations to a National Convention in England." You perceive, therefore, that the President of the National Convention of France, had not the least doubt of the meaning of the Address which was made to him; or of the object of it; and that the consequences might probably be that which the Addressers themselves had told him they probably might be, namely, the establishment in this Country of the same sort of Convention which was then established in France.

Gentlemen, I forbear to detail to you a vast variety of other papers, all tending to the same conclusion—Letters from the Societies in France—Letters from and to the Societies here—But there is one thing which I think I ought particularly to mention to you. On the 18th of January, 1793—certainly a very critical period—it was a time when, in the persuasion of men in general, a war between the two Countries was likely to take place—the Constitutional Society thought proper to make three Members of the French National Assembly, Mr. Saint André, Mr. Barrère, and Mr. Roland, Honorary Members of their Society, Saint André, on the 18th of January, and Barrère and Roland, on the 25th of January; describing them as the most judicious and enlightened friends of liberty. And on the first of February, they resolved, that the speeches of Barrère, and Saint André, in the French National Assembly, upon the subject of the trial of the King, should be entered on their books; and then they resolved, that this resolution should be printed in the public newspapers.

Undoubtedly this is not publishing directly those speeches; but it is publishing them indirectly, because it is calling the attention of all men to those speeches, and intimating that the Society for Constitutional Information, conceived the speeches contained matter worthy of attention. They referred the attention of the public to those speeches, as contained in the French papers. The consequence is obvious, that those who were likely to read the resolutions of this Society for Constitutional Information, would be naturally led to read these speeches. And the Society could have no object in these resolutions but to adopt in some way or other these speeches.

These speeches will be given in evidence to you; and you will find that the right of the National Assembly to decide upon the fate of the King, is stated to arise from their being a Revolutionary Assembly, created by the nation in a state of insurrection; that the speeches proceed to investigate the subject—to consider the consequence which naturally must follow, from the rising of the people against the Government of the Country—to shew that it must effect the destruction of that Government, and, therefore, the destruction of the inviolability of the person of the King.

These principles afterwards, as you well know, were adopted by the French Convention, and acted upon in putting the King to death. One of these speeches describes, likewise, the difference between a Convention, and an ordinary Legislature, shewing that a Convention of the people assembled upon the extraordinary occasion, upon which this Convention in France was assembled, had necessarily absolute sovereign power to model and to form every thing, as in their discretion they should think proper, because they were to be considered in effect as the people themselves. And Mr. Barrère concludes, speaking of the Constituent Assembly, which he observes had laid the first foundation for liberty, that *they were obliged to abide by what was then the prejudice of public opinion*; but that now all prejudices of that kind were destroyed; and he adds, “Nothing was want-

“ ing

“ ing to immortalize that Assembly but to have delivered France
 “ from the calamity of Kingly Government, and to have re-
 “ lieved you from the duty of judging the last of your Kings.
 “ With this example before your eyes you hesitate even in the
 “ first step of your duty. Am I then no longer in the midst of
 “ that National Convention, whose honourable mission it was
 “ to destroy Kings and Royalty.”

For what purpose could persons who meant to assert their loyalty to the Government of this Country, to the King, and to the establishment of the Legislature in King, Lords, and Commons, offer to the attention of the world these speeches. Unless they meant to destroy that constituted Government I am utterly at a loss to discover their purpose; and I believe that my friends will find it as difficult to discover.

The war soon followed—I think it was in the month of February, 1793, that the French declared war. This interrupted the intercourse between the two Countries—but it was necessary to keep up the spirit of the persons who were to be engaged in that Revolution, which the Prisoner at the bar, with others was, I assert, engaged to effect. They contrived to excite a very general apprehension that a Revolution, of some kind or other, would take place; and they proceeded to do that which had the effect of agitating the minds of the people, in a way perfectly safe for themselves—namely by petitions to Parliament for a Reform of the House of Commons.

But, Gentlemen, you will find from the evidence, that these petitions were not presented with any hope of success, or with any intention that they should meet with success. They were considered merely as a measure of policy, and were so treated in several papers written by the Society for Constitutional Information; particularly in a letter to a Society at Norwich. After stating their objections to the Constitution of England as formed, and their wishes to alter it, they say—“ Where then
 “ are we to look for our remedy; to that Parliament of which
 “ we complain; to the executive power which is implicitly
 “ obeyed, if not anticipated in that Parliament, or to ourselves

“ represented in some meeting of Delegates, for the especial
 “ purpose of Reform, which we suppose you understand by the
 “ term Convention ;” alluding to a passage in a letter to them
 from the Society, to which they were then writing, which stated,
 that the London Corresponding Society had stated to the different
 Country Societies three different propositions ; a petition to Par-
 liament, a petition to the King, or a Convention. And you
 will find a general concurrence of all these Societies, in treating
 a petition to Parliament, as likely to produce no end whatever ;
 a petition to the King as perfectly futile ; and, that their only
 hope was in a Convention. This letter of the Constitutional
 Society, speaking of a petition, says, “ If the event is looked to
 “ in the vote which may be obtained from that body to whom
 “ the petition is to be addressed, which of us can look to it
 “ without the prospect of an absolute negative. In this point of
 “ view, therefore, it cannot require a moment’s consideration ;
 “ but, if we regard the policy of such a petition, it may, in our
 “ apprehension, be well worth considering, as a warning voice
 “ to our present Legislators, and as a signal for imitation to
 “ the majority of the people.” This letter is dated the 16th of
 April, 1793.

The petitions which were presented having been rejected, it
 then seems to have been determined to proceed immediately to
 means which they considered as more effectual. Early in the
 year 1793, there had been assembled a body of men in Scotland,
 under the description of “ A General Assembly of Delegates of
 “ the Societies of the Friends of the People throughout Scotland,
 “ assembled for the purpose of Parliamentary Reform.” You
 will observe, the title they took was, that of “ Delegates from
 “ the Societies of the Friends of the People throughout Scot-
 “ land.” They had met early in 1793, and then had adjourned
 to November, 1793, without doing any thing. In May, 1793,
 a correspondence took place between the London Corresponding
 Society and the Secretary of this Convention of Delegates in
 Scotland, a Mr. Skirving, in which, after stating that the peti-
 tions had been all of them unsuccessful, it was added, “ Our
 “ attention

“ attention must now therefore be turned to some more effectual
 “ means. From your Society we would willingly learn them;
 “ and you, on your part, may depend on our adopting the firmest
 “ measures, provided they are constitutional; and we hope the
 “ Country will not be behind hand with us.”

Gentlemen, the answer of Mr. Skirving to this letter is dated the 25th of May, 1793; and it clearly shews, that that person had in view something which would probably end in the total annihilation of all existing Government. Speaking of the situation of the two Countries, he says: “ If either you in England,
 “ or we in Scotland, should attempt separately the reform which
 “ we, I trust, seek to obtain, we should, by so doing, only ex-
 “ pose our weakness, and manifest our ignorance of the corrup-
 “ tion which opposes our important undertaking.” After ob-
 serving upon what might be done if a change of men only was to be effected, the letter proceeds, “ but to cut up deep and wide-
 “ rooted prejudices, to give effectual energy to the dictates of
 “ truth in favour of public virtue and national prosperity, in
 “ opposition to self, and all its interested habits, and to withstand
 “ and overawe the final efforts of the powers of darkness, is the
 “ work of the whole, and not of a part; a work to which mankind,
 “ till this awful period, were never adequate, because never till
 “ now disposed to fraternize, not merely, or only, I trust, from
 “ the sense of the common danger to which we are exposed, but
 “ from the ennobling principle of universal benevolence.” —
 “ I think the minds of all must, in the nature of things, be now
 “ turned to more effectual means of reform.” Then he pro-
 ceeds to notice the difference in the formation of the Societies in
 England and in Scotland, and adds, “ I have not a higher wish,
 “ in the present exertions for reform, than to see the people uni-
 “ versally and regularly associated, because I am persuaded, that
 “ the present disastrous engagements will issue in ruin, and the
 “ people then must provide for themselves; and it would be
 “ unhappy, when we should be ready to act with unanimity, to
 “ be occupied about organization, without which, however,
 “ anarchy must ensue.”

Gentlemen, without endeavouring to discuss what it was which the writer of this letter conceived was likely to produce the confusion to which he adverts, and upon which, unless means were taken to prevent it, anarchy must ensue, it is sufficient for me to say, that clearly, in the mind of this writer, something was expected to happen, from which anarchy was likely to ensue. This letter is written in a particular stile, with respect to religious sentiments. "We will not need but to be prepared for the event to stand and see the salvation of the Lord. Let us, therefore, take the hint given us by our opposers; let us begin in earnest to make up our minds relative to the extent of Reform which we ought to seek; be prepared to justify it, and to controvert objections. Let us model the whole in the public mind. Let us provide every stake and stay of the tabernacle which we would erect, so that, when the tabernacles of oppression, in the palaces of ambition, are broken down, under the madness and folly of their supporters, we may then, without anarchy, and all dangerous delay, erect at once our tabernacle of righteousness."

Gentlemen, it seems to me that it is impossible to read this letter without perceiving that, in the contemplation of the mind of the writer a total dissolution of the Government was likely to happen, and that it was necessary to have a new frame of Government, for the purpose of supplying the place of that which should be dissolved at that instant, and of preventing that anarchy which, he thought, must otherwise ensue; but a following passage leaves this without a doubt, for he proceeds to observe, "How hurtful to the feelings of a reflecting mind, to look back to the wretched state in which the Roman Monarchy, enfeebled and broken by its own corruption, left the nations which it had subjected, like sheep without a shepherd." He seems, in subsequent passages, to consider, that it was necessary to be very expeditious in that which he proposed to be done. "Do not, I entreat you, hesitate, thinking such a work premature as yet. But a month, and then it may be too late; a malignant party may be already formed, and only waiting
" for

“ for the halting of the present managers. It will then be too late to seek to subject to deliberation, after a party has dared the act of rebellion.” There are other passages in this letter which it will be proper to consider; but, I will detain you no longer than to observe, that it must have been clearly in the contemplation of the writer, that a dissolution of all Government might possibly soon take place.

Gentlemen, you will find that afterwards, by means of a private correspondence between Mr. Skirving, and some of the members of the London Corresponding Society, it was contrived, that an application should be made to the London Societies, and other English Societies, to send Delegates to this Convention in Scotland, and that accordingly it was resolved to send Delegates. You will find that the London Corresponding Society sent as Delegates, Mr. Margarot and Mr. Gerald, and that the Society for Constitutional Information sent a Mr. Sinclair, and likewise elected for the purpose a Mr. Yorke; but Mr. Yorke did not go, being prevented, I think, by illness, or by some other means. You will find that these persons, meeting at Edinburgh, in November, 1793, proceeded to act in a manner, which, I think, I do not state to you too strongly, when I assert, that, if they had been permitted to proceed as they had begun, civil commotions must necessarily have followed.

Having originally met in May, 1793, and again, in consequence of their adjournment, in November, under the description of the General Convention of Delegates from the Societies of the Friends of the People throughout Scotland, they thought fit, upon the 22d of November, which I think was the third day of that meeting, to assume the title of “ The British Convention of Delegates of the People, associated for obtaining “ Universal Suffrage and Annual Parliaments,” dropping their original character of Delegates from the Societies of the Friends of the People, and assuming to themselves a new character, that of “ Delegates of the People,” meaning therefore to arrogate to themselves the character of an assembly which was to be
sup-

supported by the weight, and by the authority of the people at large. For there could be no purpose whatever for which they could assume this title of "Delegates of the People," unless they meant to assume the character incident to "Delegates of the People;" that is persons immediately delegated by the people themselves, otherwise than the constituted Government of the Country authorizes; and therefore, for the purpose of doing something which might be deemed the act of the people, and to be supported by the authority of the people.

Gentlemen, if they had in view simply the obtaining a Reform in Parliament, by application to Parliament itself, this assumption of title was not only unnecessary, but it was utterly improper, because, if they were to petition Parliament they ought to petition Parliament in their true character; that is, as Delegates from the Societies of the Friends of the People, by whom they were severally sent; otherwise they would not state to Parliament their real character, that in which alone they would have had a right to have weight in the opinion of Parliament. Assuming to themselves the title of "Delegates of the People," a title which they could not with truth assume, they assumed something upon which they meant to bottom something further; and there is nothing which they could mean by it, but to assume to themselves the character of being the Representatives of the People, and therefore being superior to the constituted Government. If we advert to what passed in France, we shall feel a strong resemblance, in this proceeding, to a similar assumption of character, and consequently of power, in that Country; and it will teach us what the consequences of such an assumption are. You all know, that the assembly which met in France, in the year 1789, was originally the States-General of the kingdom, convened by the King. But a part of them being assembled, to the amount of about half, I think, of their whole number, assumed to themselves the appellation of "Delegates of the People." Instead of Delegates of the different States, as they were originally constituted, they assumed to themselves the title of "Delegates of the People," as one general

mass;

mas; and, having done so, they formed a resolution which necessarily followed from that assumption; namely, *that the King could put no negative upon their proceedings.* (The last assumption was just, if they were really the Delegates of the People; because such a Delegation was necessarily a supercession of all Government, the people taking the affairs of the Country into their own hands. They justly assumed, that the King could put no negative on their proceedings, if they were entitled to assume the character of Delegates of the People; but they first assumed the character of Delegates of the People; and then they assumed, that being Delegates of the People, the King had no right to put a negative upon any of their proceedings. That passed in France, and this proceeding in Scotland, is a complete copy. A number of persons, assembled originally under the title of, and being, in fact, Delegates simply from the Societies of the Friends of the People, as they were called, assumed to themselves the character of Delegates of the People. They could do so only for the same purpose for which the Assembly in France did it; namely, for the purpose of assuming to themselves all the authority, all the power, and all the consequence, which belonged to persons of that description.

Gentlemen, this was clearly and distinctly calling upon the people to support them; it was giving them a title to say, "We are your Delegates, support us in what we are doing." Having done this, they proceeded to a variety of resolutions, all of which, I think, you will see, clearly tended directly to the same purpose. I will not observe upon any of them, except two; one is, that, upon a petition to Parliament being proposed, it was negatived by the order of the day; another, that a resolution was, on the 28th of November, 1793, come to, with a considerable degree of solemnity, for which a blank was left in the minutes, and which resolution was not to be entered upon the minutes until the close of their sittings. That resolution appears to me to be of such a description, that I ought to take some notice of it to you, even in this opening.

"Resolved, that the following declaration and resolution be
" inserted

“ inserted at the end of our minutes”—(and, I should observe, that this was moved by the Delegate from the Society for Constitutional Information). “ This Convention, considering the
 “ calamitous consequences of any act of the Legislature which
 “ may tend to deprive the whole, or any part of the people, of
 “ their undoubted right to meet, either by themselves or by
 “ delegation, to discuss any matter relative to their common interest, whether of a public or private nature, and holding the
 “ same to be totally inconsistent with the first principles and
 “ safety of society, and also subversive of our known and acknowledged constitutional liberties, do hereby declare, before God,
 “ and the world, that we shall follow the wholesome example
 “ of former times, by paying no regard to any act which shall
 “ militate against the Constitution of our Country, and shall
 “ continue to assemble and consider of the best means by
 “ which we can accomplish a real representation of the people
 “ and annual election, until compelled to desist by superior force.”

Gentlemen, you will find that in the conclusion they carried this resolution into effect, the chairman refusing to quit the chair until compelled to do so by superior force. Let us suppose that the power sent for the purpose of dispersing this Meeting had been unequal to the purpose, that it had been of inferior force---the result would have been, that this Convention of the Delegates of the People at Edinburgh would have become instantly a permanent Assembly; and you will find, by a letter of one of the persons who was a Member of this Convention, that he considered this resolution as equivalent to a declaration of permanency.

They proceed---“ We do resolve, That the first notice given
 “ for the introduction of a Convention Bill, or any Bill of a
 “ similar tendency to that passed in Ireland in the last session of
 “ their Parliament; or any Bill for the suspension of the Habeas
 “ Corpus Act; or the Act for the preventing wrongous imprisonment, and against undue delays in trials in North Britain, *or in case of an invasion*; or the admission of any foreign
 “ troops whatsoever into Great-Britain or Ireland; all, or any
 “ one

“ one of these calamitous circumstances, shall be a signal to the
 “ several Delegates to repair to such place as the *Secret Com-*
 “ *mittee* of this Convention shall appoint: and the first seven
 “ members shall have power to declare the sittings permanent,
 “ and twenty-one shall constitute a Convention, and proceed to
 “ business.”

Gentlemen, here were resolutions which they did not choose to enter at the time upon their minutes—here was a contrivance for establishing a *secret* place for the meeting of this Convention upon several emergencies, some of which were—the introduction of a Convention Bill into the House of Commons—not the actual passing, but the mere introduction of it into the House, to prevent their meeting—or any Bill of a similar tendency—or any Bill for the suspension of the Habeas Corpus Act—or in *case of an invasion*—or the admission of any foreign troops whatsoever into Great-Britain or Ireland.

For what purpose can this resolution have been entered into, but for providing a more effectual resistance to Government, by holding their assembly in some other place, which they might afterwards appoint, and which they might think more adapted to that resistance than the city of Edinburgh. The manner in which all this is to be done is curious—The place where the Meeting was to be held was to be kept a perfect *secret*; it was not to be known to any person except a *Secret Committee* of three, with the Secretary, who were to be appointed to determine the place where such Convention of Emergency should meet. They resolved, “ That such place shall remain a secret
 “ with them and with the secretary of this Convention; and
 “ that each Delegate shall, at the breaking up of the present
 “ session, be entrusted with a sealed letter containing the name
 “ of the place of meeting; that this letter shall be delivered
 “ unopened to his constituents, the receipt of which shall be
 “ acknowledged by a letter to the secretary—preserved in the
 “ same state until the period shall arrive at which it shall be
 “ deemed necessary for the Delegate to set off;” so that until that moment it was not to be disclosed, even to the Delegates
 them-

themselves, where this Convention was, in this case of emergency, to meet.

Then they proceed to resolve, "That the moment of any illegal dispersion of the present Convention, shall be considered as a summons to the Delegates, to repair to the place of meeting appointed for the Convention of Emergency by the Secret Committee, and that the Secret Committee be instructed to proceed without delay to fix the place of meeting."

Gentlemen, what must have been the consequences, if the opinion of the people, or of any number of the people, had followed this British Convention, as it termed itself, of Delegates of the People—had acknowledged its members in that character; that being the Delegates of the People they were to be supported by the people, and had attempted to support them accordingly?—What consequences could have followed but a civil war?

Gentlemen, you all know that this Convention was dispersed by the authority of the civil magistrates. Being dispersed, you know that prosecutions took place, which became the subject of a considerable degree of clamour. The Society for Constitutional Information, in a variety of resolutions, approved and adopted all that had been done in this Convention at Edinburgh; and on the 17th of January, 1794, they came to resolutions of the strongest tendency.

"Resolved, That law ceases to be an object of obedience whenever it becomes an instrument of oppression."

"Resolved, That we call to mind with the deepest satisfaction the merited fate of the infamous Jefferies, once Lord Chief Justice of England; who, at the æra of the glorious Revolution, for the many iniquitous sentences which he had passed, was torn to pieces by a brave and injured people."

"Resolved, That those who imitate his example deserve his fate."

This immediately following the transactions in Scotland, and the proceedings there of which they complain, I can give it no construction but that of a direct incitement to the people of

Scotland

Scotland to exercise, against the persons who presided in the Courts of Justice there, that sort of summary justice by the people themselves which is here stated to have been the fate of the infamous Jefferies.—They proceed.

“ Resolved, That the Tweed, though it may divide countries, ought not, and does not make a separation between those principles of common severity, in which Englishmen and Scotchmen are equally interested; that injustice in Scotland is injustice in England; and that the safety of Englishmen is endangered whenever their brethren of Scotland, for a conduct which entitles them to the approbation of all wise, and the support of all brave men, are sentenced to Botany Bay, a punishment hitherto inflicted only on felons.”

You see, Gentlemen, they do not merely quarrel with the severity of the sentence, but they assert that the conduct of the persons against whom these sentences were passed, was not only not criminal in the high degree that could merit such a sentence, but that it was not criminal at all; on the contrary, that it was highly meritorious, and was such as entitled them to the approbation of all wise, and the support of all brave men. Upon resolutions drawn under the direction of a man of the description of the prisoner at the bar, one may be permitted to advert even to particular words; and the epithets of “wise” and “brave” are placed, the one to “approbation” and the other to “support.” One may easily conceive to what they lead, and to what they may be expected to lead.

Mr. Tooke. Am I to understand the Solicitor General to pledge himself to prove all that he states? Shall I be justified in understanding that? and that if he fails in proving it, it takes off all the force of that which he states?

Lord Chief Justice Eyre. Failing in the proof takes off, certainly, as far as that goes, the whole of it.

Mr. Solicitor General. I state this, your Lordship sees, to be a resolution of the Society for Constitutional Information, and am merely making observations upon it.

Mr. Tooke.

Mr. Tooke. I understood the Solicitor General to state that these resolutions were drawn up under the prisoner's directions. I mention it now that he should not hereafter say I mistook him: if the Solicitor General withdraws that, I have done.

Mr. Solicitor General. At the Meeting when these resolutions were come to, *Mr. Tooke* appears by the books to have been *in the chair*; whether he actually drew up the resolutions is another question; but *he was in the chair*. I meant merely to say, that *Mr. Tooke* is a man who understands (unquestionably infinitely better than I can profess to do) the critical meaning of words, and their application in the clearest and plainest sense.

Gentlemen, they proceed—"Resolved, That we see with
 " regret, but we see without fear, that the period is fast ap-
 " proaching when the liberties of Britons must depend not upon
 " reason, to which they have long appealed, nor on their powers
 " of expressing it, but on their firm and undaunted resolution to
 " oppose tyranny by the same means by which it is exercised."

"Resolved, That we approve of the conduct of the British
 " Convention; who, though assailed by force, have not been
 " answered by argument; and who, unlike the members of a
 " certain Assembly, have no interest distinct from the common
 " body of the people."

Gentlemen, on these two resolutions I must beg leave to make this observation, because it appears to me to belong to them.—The last is a complete approbation of the conduct of the British Convention; it describes them in the very character which they assumed—that of Delegates of the People. From the former resolution, it is clear, that the attention of the people was intended to be drawn to the probability of a time approaching when the liberties of Britons must depend not upon reason, to which they had long appealed, nor upon their power of expressing it, but on their firm and undaunted resolution to oppose tyranny by the same means by which it was exercised; calling tyranny those proceedings which had been had in Scotland in
 dispersing

dispersing that Assembly; attributing that dispersion to force; and clearly declaring an intention to oppose force by force"—this is the interpretation which I put upon these resolutions. Whether you will put the same interpretation upon them or not is for you to determine.

Gentlemen, these resolutions having been entered into by the Society for Constitutional Information on the 17th of January, on the 20th of January there was a meeting of the Society called the London Corresponding Society at the Globe Tavern. The proceedings of that meeting at the Globe Tavern are such as make it necessary for me to call your particular attention to them.

"At a General Meeting of the London Corresponding Society, held at the Globe Tavern in the Strand, on Monday, the 20th day of January, 1794, Citizen John Martin in the chair, the following Address to the people of Great Britain and Ireland was read and agreed to:" Then there follows an Address to the people of Great Britain and Ireland; it proceeds to state—"If we look to Ireland we find that acknowledged privilege of the people, to meet for the support and protection of their rights and liberties, is attempted by terror to be taken away by a late infamous Act of Parliament.—In Scotland, the wicked hand of power has been impudently exerted without even the wretched formality of an Act of Parliament; magistrates have forcibly intruded into the peaceful and lawful meetings of free men, and by force, not only without law but against law, have, under colour of magisterial office, interrupted their deliberations and prevented their association."

"The wisdom and good conduct of the British Convention at Edinburgh has been such as to defy their bitterest enemies to name the law which they have broken; notwithstanding which, their papers have been seized, and made use of as evidence against them; and many virtuous and meritorious individuals have been as cruelly as unjustly, for their virtuous

"actions, disgraced and destroyed by infamous and illegal sentences of transportation."

"Citizens, we all approve the sentiments, and are daily repeating the words, for which these our respectable and valuable brethren are thus unjustly and inhumanly suffering. We too associate, in order to obtain a fair, free, and full representation of the people, in a house of real national representatives. Are we also willing to be treated as felons for claiming this our inherent right, which we are determined never to forego but with our lives, and which none but thieves and traitors can wish to withhold from us." Then they proceed—"If we had not just cause to apprehend the same inhuman treatment—if, instead of the most imminent danger, we were in perfect safety from it, should we not disdain to enjoy any liberty or privilege whatever in which our honest Irish and Scotch brethren did not equally and as fully participate with us! Their cause, then, and ours, is the same; and it is both our duty and our interest to stand or fall together. The Irish Parliament and the Scotch Judges, actuated by the same English influence, have brought us directly to the point. There is no farther step beyond that which they have taken. *We are at issue.* We must now chuse at once either liberty or slavery, for ourselves and our posterity. Will you wait till barracks are erected in every village, and till subsidized Hessians and Hanoverians are upon us."

Gentlemen, what is this?—Is it not a declaration that the Government of the Country, and these Societies, assuming to themselves the character of the people, *were at issue*—that there was no farther step beyond that which had been taken by the Government—that the people, therefore, must now choose at once either liberty or slavery, for themselves and their posterity. I can consider this no otherwise than as an actual declaration of war against the constituted power—an appeal to the sword—rank rebellion.

Gentlemen,

Gentlemen, they proceed to shew that it was their intention to act by their *own force*; for they say—"You may ask; perhaps, by what means shall we seek redress?"

"We answer, that men in a state of civilized society are bound to seek redress of their grievances from the laws, as long as any redress can be obtained by the laws. But our common master, whom we serve, (whose law is a law of liberty, and whose service is perfect freedom), has taught us not to expect to gather grapes from thorns, nor figs from thistles. We must have redress from our own laws, and not from the laws of our plunderers, enemies, and oppressors."

Who is it they stile their plunderers, enemies, and oppressors?—The constituted Government, and the constituted Legislature of the Country. They say, they are not to expect redress from the laws to be made by that Legislature, and to be administered by that Government, but that they must have redress from *their own laws*—that is, by their own force. If they could not (and you know they could not) make laws according to the constitution of the Government of this Country, they must have intended to form a new power equal to making laws; they must have intended to assume the character of the people, taking into their own hands the Government of the Country, and acting by force, and according to the spirit of such a delegation. If you can give a different interpretation to these words—if the learned gentlemen who are of counsel for the prisoner, or the prisoner himself, not inferior to any man perhaps for such a purpose—if they can give any other interpretation, you will give him the benefit of it: I can give no other. It seems to me clearly to be a declaration that they would seek redress—not from the Legislature of the Country, administering the laws of that Legislature, but that they would seek redress from their own laws—laws which they could not frame, but by assuming to themselves legislative power; and laws which they could not execute, but by assuming to themselves the executive Government of the Country; so far, at least, as should be sufficient to execute these laws—which must have been by force.

Gentlemen, they proceed then to state the manner in which they were to make these laws, and to execute them—"There is no redress for a nation circumstanced as we are, but in a fair, free, and full representation of the people." Then they declare, they were determined to obtain that fair, free, and full representation of the people which should give them their redress; and how?—"Resolved, That during the ensuing session of Parliament, the General Committee of this Society do meet daily, for the purpose of watching the proceedings of the Parliament, and of the administration of the Government of this Country;" and here they take up what was done in the British Convention—"and that upon the first introduction of any bill or motion inimical to the liberties of the people, such as, for landing foreign troops in Great Britain or Ireland; for suspending the Habeas Corpus Act; for proclaiming martial law; or for preventing the people from meeting in Societies, for constitutional information; or any other innovation of a similar nature," which may include any thing—"that, on any of these emergencies, the General Committee shall issue summonses to the Delegates of each division, and also to the Secretaries of the different Societies affiliated and corresponding with this Society, forthwith to call a General Convention of the people, to be held at such a place and in such a manner as shall be specified in the summons, for the purpose of taking such measures into their consideration."

Now, Gentlemen, the connection between this and the British Convention is clear.—Here is the adoption of the very resolutions which the British Convention had come to; and clear and plain it is, that the persons who penned these resolutions meant to carry into execution that which they proposed—meant to support that Convention which they wished to assemble by their own force (for by no other means could they make those laws which they proposed to make for their redress); declaring, that they could not expect redress from the laws of their plunderers, enemies, and oppressors, the constituted Government of the Country.

Gentlemen,

Gentlemen, there were several resolutions come to by this Society on the 23d of January, and which were published together with those resolutions of the 20th of January—I ask pardon for describing them as resolutions—they are toasts which were drank at the anniversary dinner on the 20th, but they were published together with the resolutions I have stated, by an order of the Committee on the 23d of January. They were toasts given at the anniversary meeting of the Society on that very 20th of January, when these resolutions were come to:

“ The Rights of Man, and may Britons never want spirit to assert them,”

“ The British Convention lately held at Edinburgh, and success to the important object it had in view.”

“ Citizen William Skirving, charged by the sentence of the Court of Justiciary with the honour of being the cause of calling that Convention.”

“ The London Corresponding Society, and other patriotic Societies of Great-Britain and Ireland.” Then there are several others of the different Deputies and Societies.

“ Success to the arms of Freedom against whomsoever directed, and confusion to Despots, with whomsoever allied.”

“ All that is good in every Constitution, and may we never be superstitious enough to reverence in any that which is *good for nothing*.” What it was that was *good for nothing*, I think a part of the evidence, which will be produced to you, will very clearly shew.

“ Citizen Thomas Paine; may his virtue rise superior to calumny and suspicion, and his name still be dear to Britons,” There are others which I shall not trouble you with,

On the 24th of January, 1794, the Society for Constitutional Information came to this resolution; “ A motion was made that it be resolved that the most excellent address of the London Corresponding Society be inserted in the books of this Society;” and then there is this resolution: “ That the London Corresponding Society have deserved well of their Country. Resolved, that the Secretary be ordered to cause forty thou-

“ sand copies of the address, the speech, and these resolutions,
 “ to be printed on one sheet, and properly distributed in Eng-
 “ land, Scotland, and Ireland.” “ Resolved, that these resolutions
 “ be published in the newspapers.” With respect to these re-
 solutions I understand that a considerable part is in the hand-
 writing of the prisoner at the bar, and which, I believe, will not
 be disputed.

Gentlemen, these proceedings necessarily led to that which
 followed. You see that the proceedings of the 17th of January,
 the 20th of January, and the 24th of January, were clearly in-
 tended to lead to the assembling, at a time when it should be
 thought expedient, another British Convention. On the 28th
 of March the Society for Constitutional Information received a
 letter from the London Corresponding Society, dated the 27th
 of March; it was a letter written by the Secretary of one So-
 ciety to the Secretary of the other. “ Citizen, I am directed,
 “ by the London Corresponding Society, to transmit the follow-
 “ ing resolutions to the Society for Constitutional Information,
 “ and to request the sentiments of that Society respecting the
 “ important measures which the present juncture of affairs seem
 “ to require. The London Corresponding Society conceives
 “ that the moment is arrived when a full and explicit declara-
 “ tion is necessary from all the friends of freedom; whether the
 “ late illegal and unheard of prosecutions and sentences shall de-
 “ termine us to abandon our cause, or shall excite us to pursue
 “ a radical Reform, with an ardour proportioned to the magni-
 “ tude of the object, and with a zeal as distinguished on our
 “ parts as the treachery of others, in the same glorious cause, is
 “ notorious. The Society for Constitutional Information is
 “ therefore required to determine whether or no they will be
 “ ready, when called upon, to act in conjunction with this and
 “ other Societies, to obtain a fair representation of the people.
 “ Whether they concur with us in seeing the necessity of a
 “ speedy Convention, for the purpose of obtaining, in a con-
 “ stitutional and legal method, a redress of those grievances
 “ under which we at present labour, and which can only be effec-
 “ tually

“ tually removed by a full and fair representation of the people
 “ of Great-Britain. The London Corresponding Society can-
 “ not but remind their friends that the present crisis demands all
 “ the prudence, unanimity, and vigour that ever was or can be
 “ exerted by men and Britons; nor do they doubt but that
 “ manly firmness and consistency will finally, and, they believe,
 “ shortly, terminate in the full accomplishment of all their
 “ wishes.” Then follow the resolutions,

“ Resolved unanimously, First, that dear as justice and li-
 “ berty are to Britons, yet the value of them is comparatively
 “ small, without a dependence on their permanency, and there
 “ can be no security for the continuance of any right but in equal
 “ laws.”

“ Second, That equal laws can never be expected but by a
 “ full and fair representation of the people; to obtain which, in
 “ the way pointed out by the Constitution, has been, and is, the
 “ sole object of this Society; for this we are ready to hazard
 “ every thing, and never, but with our lives, will we relin-
 “ quish an object which involves the happiness, or even the po-
 “ litical existence of ourselves and posterity.”

“ Third, That it is the decided opinion of this Society, that,
 “ to secure ourselves from future illegal and scandalous prosecu-
 “ tions, to prevent a repetition of wicked and unjust sentences,
 “ and to recal those wise and wholesome laws that have been
 “ wrested from us, and of which scarcely a vestige remains,
 “ there ought to be immediately a Convention of the People
 “ by Delegates, deputed for that purpose from the different So-
 “ cieties of the Friends of Freedom, assembled in the various
 “ parts of the nation; and we pledge ourselves to the public to
 “ pursue every legal method speedily to accomplish so desirable
 “ a purpose.”

Gentlemen, you will observe that this letter and these reso-
 lutions are amply larded with the words *legal and constitutional*.
 The insertion of these words will not make those things legal
 and constitutional which are not so. If you see that the direct
 tendency of all these proceedings was to call a Convention of the

People, who were—I will use the words of the resolution which I have stated to you—"to secure ourselves from future illegal and scandalous prosecutions, to prevent a repetition of wicked and unjust sentences, and to recal those wise and wholesome laws that have been wrested from us, and of which scarcely a vestige remains." Gentlemen, was not the avowed purpose for which this Convention of the People was to be assembled to alter the whole frame and system of things? Under the pretence of securing themselves from future illegal prosecutions, under pretence of preventing a repetition of wicked and unjust sentences, and under pretence of recalling wise and wholesome laws, which, they asserted, had been wrested from them, and of which, they said, scarcely a vestige remained.

To the letter is added, "I have to inform you, that a General Meeting of the Society will be holden on Monday, the 14th of April, the place to be announced by public advertisement." This, which is a sort of postscript, is material, because you will find that meeting on Monday, the 14th of April, which was a meeting of the Corresponding Society, at a place called Chalk Farm, not an unimportant part of the proceedings of these Societies.

Upon these resolutions the Society for Constitutional Information resolved—"That it is fit and proper, and the duty of this Society, to send an answer to the London Corresponding Society."

"Ordered, That the Secretary acquaint the London Corresponding Society that we have received their communication, and *heartily concur with them in the objects they have in view*; and that for the purpose of a more speedy and effectual co-operation, we invite them to send to this Society, next Friday evening, a delegation of some of their members."

In consequence of this, a delegation did take place; and, on the 4th of April, at the meeting of the Society for Constitutional Information, the prisoner at the bar appearing to be present, as he was also at the meeting on the 28th of March, there was read a letter from the Committee of the London Corresponding

ponding Society, acquainting the Society for Constitutional Information, that they had deputed persons of the names of Moore, Thelwall, Hodgson, Lovett, and Baxter, to hold a conference with the members of the Society for Constitutional Information. Accordingly these five persons attended, and it was resolved, " That a delegation of five members of the Constitutional Society, should be appointed to meet the members deputed by the London Corresponding Society." The persons appointed were of the names of Sharpe, Joyce, Wardle, Holcroft, and Kydd; and the Society resolved, " That these persons be a deputation to confer with the Deputies of the London Corresponding Society." The Society then left the room, and conference began between the Deputies of the two Societies. The Constitutional Society also came to a resolution that there should be appointed a Committee of Correspondence of the members of the Society. This Committee of Correspondence I adverted to in an early part of my address to you, as an instance, of some of the members of the Society for Constitutional Information, aiming at the same sort of management of their Society, by a small Committee, as had taken place in the other Societies. The persons who composed the Committee of Correspondence were Mr. Joyce, Mr. Bonney, Mr. Sharpe, Mr. Pearson, Mr. Tooke, and Mr. Wardle.

The Delegates from the two Societies, who were to confer upon the subject of the proposed Convention, having come to resolutions upon the subject, on the 11th of April, 1794, Mr. Joyce made a report, the prisoner being present. The entry in the book is—" Mr. Joyce made the report of the meeting of the Delegates of the London Corresponding Society, for the purpose of this Society co-operating with the London Corresponding Society, and that they had come to the following resolutions :

" First, Resolved, That it appears to this Committee very desirable that *a General Meeting, or Convention* of the Friends of Liberty should be called for the purpose of taking
" into

“ into consideration the proper methods of obtaining a full and fair representation of the people.”

“ Second, Resolved, That it is recommended to the Society for Constitutional Information, and the London Corresponding Society, to institute a regular and pressing correspondence with all those parts of the Country where such measures may be likely to be promoted, not only to instigate the Societies already formed, but to endeavour also to produce such other associations as may further the general object,”

“ Resolved, That it appears to this Committee that the general object will be much promoted if a standing Committee of co-operation, between the two Societies, were established for the purpose of holding personal communication with such members of similar Societies in other parts of the Country, as may occasionally be in London, and who may be authorised by the respective Societies to act with such Committees.”

Then they read a letter from the Secretary of the London Corresponding Society, dated the 10th of April, 1794, stating, that he was ordered by the Committee of Delegates of the London Corresponding Society, to inform the Society for Constitutional Information, that they approved the resolutions of the Committee of Conference; “ therefore the London Corresponding Society have chosen five persons (whom they name) to put in practice immediately the second and third resolutions of the Committee.”

Then it was resolved, “ That the report of the Committee of Delegates from the London Corresponding Society, and of this Society, be entered on the books of this Society.”

“ Resolved, That it appears to this Society very desirable that a *General Meeting* of the Friends of Liberty should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people.”

“ Resolved, That it appears to this Society that the general object will be much promoted if a standing Committee of co-operation were established;” repeating the resolutions of the
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Committee, with this variation that you observe in the report of the Committee—"It is resolved, that it appears to the Committee, that " a General Meeting (or Convention) of the Friends of Liberty " should be called, for the purpose of taking into consideration the " proper methods of obtaining a full and fair representation of the " people." Upon this, I understand, there was a sort of debate about the use of the word Convention; and it was supposed that the word Convention was a term which had in itself something offensive, and therefore the term Convention was omitted, and the word Meeting only remained. The difference between "Meeting" and "Convention" will be very difficult to discover.

Then there was a resolution, " That the Committee of Correspondence already appointed by this Society, be the Committee for co-operation and communication with the Committees of other Societies."

" Ordered, That the Secretary be desired to send a letter to " the London Corresponding Society, acquainting them with " the Members of this Society appointed to confer with them."

" Resolved, That Mr. Joyce be requested to accept of the " office of Secretary to the Committee of Correspondence, " Mr. Joyce being present accepted of the said office."

On the 2d of May there was a sort of anniversary dinner of the Society for Constitutional Information, at the Crown and Anchor Tavern, when some toasts were drank, which will be stated to you, and which appear to follow the same sort of principles which had been repeatedly adopted by this Society; and strong as they appear to be, they seem very little stronger than those before adopted. " The Rights of Man." " The " armies contending for liberty," and several others. When they shall be read to you, you will see what they are, and what effect they ought to have.

Gentlemen, there had taken place, in the mean time, the meeting of the 14th of April, of the Corresponding Society, at Chalk Farm. The proceedings at that meeting have the same tendency. You will, when they shall be read to you, see what effect you ought to give to them. There is one thing, however,

ever, which I will mention—(I am sorry to detain you so long, and therefore I rather run over the latter part of the case, because, I think, I have stated enough to enable you to form a general comprehensive view of the whole)---It is a letter from the London Corresponding Society to the Society of the Friends of the People, from which it is manifest, that the Friends of the People held themselves aloof from these Societies, and therefore the conduct of the Friends of the People distinctly called upon these Societies to explain, and avow their principles, if their principles were not those which might be deemed dangerous to the Constitution of the Country.

Upon the 12th of May the Secretaries to the two Societies were apprehended; and upon the 16th, I think, the prisoner at the bar was also apprehended. There had been, in the mean time, a sort of circular letter, written by the Secretary of the London Corresponding Society, for the purpose of inviting the different country Societies to send Delegates to the proposed Convention; and it appears that the Committee of Co-operation and Correspondence was sitting, I think, at a place in Beaufort Buildings, in the Strand, where Mr. Thelwall, who was one of the Members of the Corresponding Society, and an associated Member of the Constitutional Society, gave lectures. The Committee of Co-operation was sitting, for the purpose of carrying into execution the plan which had been formed; and at that moment it was that the arrest of the several persons, who have been taken into custody, took place.

Gentlemen, I would call to your recollection what must have been the probable consequences if the Convention, proposed to have been assembled by these persons, had actually assembled. The resolutions of the 17th of January, the 20th of January, and the 24th of January, appear to me clearly and decisively to prove that the object which they had in view, in calling a Convention of the People, was to carry into execution, by means of that Convention, the several objects which they detail in their several addresses; and when you recollect the terms of those addresses, you must also recollect that they are expressed in
such

such terms as might lead to any thing; and that in no degree whatever do they distinctly lead to a simple Reform in the Constitution of the House of Commons. But if they had for their object a simple Reform in the Constitution of the House of Commons, to be effected by means of such a Convention, acting by its own laws, and not by the laws of the constituted Legislature, their proceeding to assemble such a Convention, would be equally the crime of High Treason—because the Convention must necessarily deprive the constituted Legislature of its powers before they could act in that capacity; and must substitute themselves (at least for the particular purpose) in the place of that constituted Legislature. When these men resolved, therefore, to expect redress only from their own laws, and not from the laws of their enemies, plunderers, and oppressors, they declared that their object was to take the remedy into their own hands, and to act upon that principle.

Gentlemen, what can be said in answer to this case if proved, and I have reason to think, from experience, that the principal facts which I have stated cannot be controverted by evidence, or explained away by argument. Because I am sure if either could have been done, or if both could have been done, that either one or both would have been done on a former occasion. I, therefore, am firmly persuaded that the facts of the case cannot be controverted, and that those facts, remaining uncontroverted, cannot be explained away.

Gentlemen, It may be said that the Prisoner at the bar, whatever might be the views of others, or whatever might be the motive of others, was himself of a different description. But it is impossible that a man of his abilities, and of his character, should represent himself as a man deceived or deluded. He may assert that his principles were totally adverse to those of persons who might wish for a new order of things, except so far as a Reform in the Commons House of Parliament (preserving every other part of the Constitution) might be his object; and that he had no conception of obtaining that object by any other means,
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than the lawfully constituted Legislature. It will, perhaps, be asserted that he has upon various occasions expressed himself as a man attached to the Constitution of his Country; attached to the hereditary Monarchy, and to the House of Lords; that he has always professed to approve of both.

Even supposing, Gentlemen, that, in fact, his opinions did not go with those persons who meant the destruction of the Constitution; and that he had that attachment, which it may be pretended he had—do we not know that persons who have had opinions adverse to the measures that they have pursued, have still pursued those measures. What was the case of the Protestant Lords, and others in the Rebellions in 1715 and 1745; and, indeed, of some in the reign of King William, whose object was to restore the Pretender, which would in all probability, in the end—though they perhaps flattered themselves to the contrary, have re-established Popery in this Country if it had been effected. Were they less guilty of Treason, because their wishes were, perhaps, for the preservation of the Constitution, and of the religion of the Country, whilst they endeavoured, from other motives, to put a different Prince upon the Throne.

However, we know men frequently profess that which they do not mean—a man may have Monarchy on his lips, when his heart is far from it. Lord Lovat, for instance, was perpetually protesting his loyalty, whilst he was engaged for a course of years in deep schemes to overturn that Government to which he professed and avowed such loyalty. The language of the French Convention in 1791, is noticed by Mr. Paine, by Mr. Barlow, and others of their eulogists, whose works are admired by the Prisoner at the bar. Several of the Members of that Convention, spoke with the greatest reverence of Monarchy, until the time was come when they thought they could overturn it. And we have a memorable instance that the greatest of traitors may profess attachment in the moment of the deepest treason. We know that the vilest traitor professed his loyalty whilst he was contemplating an act of the meanest treachery, and in the completion of that

that act cried, "Hail Master!" and kissed him. But does it follow because a man holds the language of loyalty, that he is therefore loyal. It certainly does not follow.

If the Prisoner was loyal to the Constitution of his Country, what did he mean by his resolutions on the subject of the works of Paine, of Barlow, and several other resolutions which have been detailed to you, and which bear, at least, to the view of ordinary men, a directly different tendency. What did he mean by the Address to the Jacobins, when he spoke of them as fellow-labourers with him in the same cause? What did he mean by the Addresses to the National Convention, by the introductions to those Addresses? What did he mean when he spoke of the vipers Aristocracy and Monarchy, panting and writhing under the grasp of infant freedom? Did he mean to say that he was loyal and attached to Monarchy and Aristocracy when he denominated them vipers, and when he described them as in the very moment of extinction?

Did he mean to express his loyalty by the admission of Saint André, Barrère, and Roland into his Society, by holding out their speeches upon the subject of a National Convention, and the trial of the King, to the view of the people of this Country? Why were there Secret Committees, and why a Convention of the people, if his purposes were perfectly loyal, if he meant only that which he pretends he meant, if he meant nothing but an application to the Legislature of the Country, for that Reform which he conceived to be proper? If, therefore, witnesses should be called in any number, to any such declarations of loyalty, can they make any change in your sentiments? Can they take the words out of the several Addresses? Can they take out the words "the vipers Aristocracy, and Monarchy," and a thousand expressions of the same sort? Can they blot out the proceedings of the British Convention which he has approved? Can they destroy the resolutions of the 17th, of the 20th, and the 24th of January? If not, what purpose can they serve? At the utmost the production of such evidence can be only an attempt to oppose negative evidence, in itself utterly improbable, to positive

tive testimony of facts, which, under the circumstances, I think you will be persuaded, cannot be accounted for in any manner consistent with such evidence.

I shall sit down, therefore, Gentlemen, in the full persuasion that the evidence which will be produced to you cannot be controverted, and that its effects cannot be controverted; that it will fully prove the charge of High Treason contained in the indictment; and that you, mindful of your oaths, mindful of the important charge you have, that to your verdict is committed the safeguard of the Constitution of this Country, as far as the administration of its laws can be its safeguard. Mindful at the same time that the Prisoner at the bar is one of the Members of that Society, and is likewise individually as much within your protection, as the collective body of that Society is, and that, therefore, you are as much bound to do justice to him, as you are bound to do justice to that Society. Yet mindful of the duty that you owe to that Society, you are to give a just and true, and an honest verdict. You are not to be deluded by pretences, but are to endeavour to discover what the truth of the case is, and having discovered it, to give your verdict accordingly.

the trial of the King to the view of the people. Why were there secret Committees, and why a Convention of the people? if his purposes were perfectly loyal, if he meant only that which he pretends he meant, if he meant nothing but an application to the Legislature of the Country for the Reform which he supposed to be proper. In therefore, witnesses should be called in any number to say such declarations of loyalty, and they make any change in your sentiment? Can they take the words out of the several Addresses? Can they take out the words "the vague Anarchy, and Monarchy," and a thousand expressions of the same sort? Can they blot out the proceedings of the British Convention which he has approved? Can they destroy the resolutions of the 1st of the month, and the 4th of January? If not, what purpose can they serve? At this time the production of such evidence can be only an attempt to oppose negative evidence, in itself nearly impossible to produce.

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The Reader will observe, that such of the papers read in evidence upon this trial, as were read on the trial of Thomas Hardy, are not reprinted in this, but references made to the pages in Hardy's Trial where they are to be found.

EVIDENCE FOR THE CROWN.

Mr. Thomas Maclean, (sworn)

Examined by Mr. Bower.

Q. You are one of the King's messengers ?

A. Yes.

Q. Did you ever go to the house of a person of the name of Daniel Adams ?

A. Yes ; I went by virtue of a warrant from the Secretary of State, on the 12th of May, in the morning, a little before eight o'clock, to the house of Mr. Daniel Adams ; and I took him into custody, together with his books and papers.

Q. Look at that book---Is that one of the books you seized there ?

A. Yes, it is.

[The book was put into Court.]

Mr. William Woodfall, (sworn)

Examined by Mr. Law.

Q. Is this the hand writing of Mr. Tooke ? (shewing a book to the witness.)

A. I believe this part (pointing it out) is ; but I cannot swear it.

Q. You are not asked to do that.

A. I never saw this entry---I mean merely to say, for my own sake, and that of the Jury, that I only swear, that, as far as resemblance of hands strikes me, this is Mr. Tooke's writing.---I have seen him write, but not so often as his writing has passed through my hands.

Q. But, however, from writing that you have seen, you are able to form a judgment ?

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A. I cannot

A. I cannot say I am able to form a decisive judgment ; but I believe, from the resemblance of hands, it is his hand-writing.

Mr. William Woodfall,

Cross-examined by *Mr. Tooke.*

Q. Are you sure you have seen me write ?

A. Yes.

Q. How long ago ?

A. Some years ago ; I believe, full seventeen ; the period is a memorable one ; I allude to the circumstance of an advertisement for a subscription for the widows, orphans, and aged parents of the Americans who lost their lives at the battle of Lexington.

Q. That was in 1775, nineteen years ago ?

A. You are perfectly right ; it was nineteen years ago.

Q. I know the time ; for I was prosecuted for it.---I know you have a good memory of what you hear---you have a good memory too of what you see.

A. The reason why I instanced this case was, because it was a memorable one, and is upon record.---You delivered to me, in my brother's counting-house, a copy of the advertisement, upon which I think you wrote the words " For the London Packet " and Morning Chronicle."---When the trial came on, two years afterwards, at Guildhall, an indifferent witness, whose name I cannot precisely recollect, proved the hand-writing in the same way as I have, if it can be called proof.---My brother was called before me, and he stated the facts ; and one was, that you delivered to him one of those copies, to be sent round to the other papers ; they were delivered to him and me ; and you, in the course of your examination, admitted you gave it him for such and such a purpose. The record I speak of is the printed copy of the Trial, from Mr. Gurney's notes, who is, I believe, the most accurate Note-taker of his time.---I don't know that I have ever seen you write but once ; but some of your writing has passed through my hands so lately as the year 1791.

Q. Do you swear that is my hand-writing, or only that you understand it to be so ?

A. That I think so. Then the very paper that I delivered, which was produced by the Solicitor for the Crown, in Court, was

sworn

sworn to by a third person, and in the course of the examination you recognized the fact.

Q. Then I understand you to speak of that which was written nineteen years ago?

A. Yes; and partly refreshed by subsequent writing of your own.

Q. What you did not see me write, but supposed to be my writing---The last time you saw me write was nineteen years ago?

A. Yes.

Q. Do you mean to swear that is my hand-writing?

A. I mean to swear to the best of my recollection and belief, from the resemblance of hands, that it is your hand-writing.

Mr. Law. Be so good as look at this entry in the book.

A. I believe the body of it to be Mr. Tooke's hand-writing; the signature, "William Tooke Harwood, Chairman," appears not to be Mr. Tooke's hand-writing. The particular reason that makes me doubt it is, the *r*'s in the body of the paper and the *r* in the word Chairman are different.

Mr. Tooke. But all the rest you take to be my hand-writing?

A. The body only.

Mr. Tooke. I only ask the question; the hand-writing may be fairly admitted. I think I could give to the prosecutor a great deal more than he has charged me with. I will not delay the Court with any more questions.

Mr. Law. It may be read---It purports that Mr. Tooke was a Member of the Constitutional Society.

Mr. Tooke. Oh, I admit it---I admit all that that paper contains.

Mr. Garraw. These are the minutes of a Meeting of the Constitutional Society on the 28th of March, 1794.

Mr. Tooke. If the Gentlemen will be so good as shew me any thing which I wrote, I will save them the time and trouble of calling witnesses to it---I will admit it; if there should be a doubt, then they may call witnesses to it.

Lord Chief Justice Eyre. In a case of this nature, so extremely penal to the prisoner, I do not think that the prisoner should be called upon by the Counsel for the prosecution to look at a paper and to say whether he thinks it is his hand, or whether he chooses to acknowledge it or not.

Mr. Tooke. I offer it freely and willingly.

Lord Chief Justice Eyre. I see you do, but I should not feel very comfortable if it happened that you had admitted; without proof, some paper of which more use was made afterwards than you at the time were aware of, or thought there could be.

Mr. Tooke. I protest, before God, I have never done an action, never written a sentence, never uttered a syllable in public or private, I have never entertained a thought of any important political nature which, taken fairly, with all the circumstances of time, place, and occasion, I have the smallest hesitation now to admit; I choose my life and character should go together. I wish to admit all I have ever said, done, or written, to save time.

Lord Chief Justice Eyre. I should prefer that the evidence should take its course in the ordinary way, because I do not think that any prisoner is quite competent to take upon himself to admit evidence which may be produced against him, the whole effect of which he may not happen to discover.

Mr. Tooke. If it was a matter of Libel I would not do so, but I will in a matter of High Treason, where subtle arguments cannot take place, as I imagine; and if they can, I desire to be the first man that dies upon that doctrine: if any man is to die upon a doctrine of that kind, I am old enough to wish to be the first man, because I am sure I shall be the last. I anxiously wish to shorten the proceedings upon this trial, by admitting every thing I have said, written, or done; I am not at all afraid of the construction, I am not at all afraid of the consequence.

Lord Chief Justice Eyre. I do not wish to depart from the ordinary rule that has prevailed in criminal cases.

Mr.

Mr. Garrow. We wish to have the entry of the 28th of March, 1794, read.

(*It was read.*)

[*Vide Hardy's Trial, vol. 2. page 105.*]

Mr. Tooke. Is the insertion of my name in that book evidence of my being present at the time?

Lord Chief Justice Eyre. It is certainly evidence to go to the Jury of your being present.

Mr. Tooke. My name being found in any book! that will be the most extraordinary evidence I have ever heard of; the bulk of the trash that is to be found in that book I never saw or heard of before; but that every time that my name is to be found in the book, that that is to be evidence that I was present is a most extraordinary proposition; if I wrote my name in the book, that would be evidence that I was there when I wrote it, but my name being written in a book does not prove my being there when it was wrote: if the Secretary were here he would prove that names of persons were entered in that book who were there only at the beginning, or perhaps not at all; or if they were there, heard something or nothing that passed. I could prove by evidence that repeatedly when my name is set down I was not there. A Society is nobody: the first six letters in the alphabet meet to-night, and they vote black---another six meet to-morrow night, and vote white; which six are the Society? And they may put down any names they please. If this evidence were to be admitted in a charge of High Treason, and it should therefore follow that I partake of whatever is over or under my name, it would be the most extraordinary evidence that ever was admitted in a Court of Justice.

Lord Chief Justice Eyre. You are perfectly right, if the state of the evidence depended entirely upon your name being found in a book in possession of a Daniel Adams; undoubtedly, in order to prove your being present at these Meetings, they must go a great deal further---they must shew that these

are the books of the society, they must give probable evidence that these were books which you had access to, which you acted upon, and that you gave credit to the entries that were in it by some conduct of your's. This is only one step towards the evidence, to fix you with being a person present at this Meeting.

Mr. Tooke. I think it will first make a subject for a serious argument as to my being present.

Lord Chief Justice Eyre. That is for the Jury.

Mr. Tooke. I submit that what is or not' admissible evidence is undoubtedly matter of law for the Court.

Lord Chief Justice Eyre. Undoubtedly, what should be admitted as evidence.

Mr. Tooke. I take it that this evidence goes to other persons; it may be true, or it may be false; but how is it possible for me to answer it, the less I know of it the less it is possible for me to meet it; I do not know what other persons may possibly do.

Lord Chief Justice Eyre. Nor will you be required to give an answer to that which belongs to other men.

Mr. Tooke. The prosecutor can never prove that I had access to the books, I would rather employ myself in playing with my fingers. I hope I have employed my time better, than in reading the same things over and over again, which for the last thirty years of my life have been written over and over again---it suits those that begin, but it is thirty years ago, your Lordship recollects, when these sort of things were going forward---when your Lordship was Recorder---and when we heard, and read, and saw all these things, and for me to come and read my alphabet over again! These are common place things; I never read the book, I will answer for it, the Secretary never read it; and, be the thing it contains good or bad, I assure your Lordship not a single member of the Society knows. Where we have been particularly concerned, each man knows what he did himself; and in the report of the Secret Committees there are exactly eighteen lines which I wrote; I understand by the state-

statement to-day, that these eighteen lines are offensive---it is about the words "faithful" and "honourable" being withdrawn; and I defy any man upon earth to prove that a tittle besides these eighteen lines contained in the report of the Secret Committee was written by me. The bulk of the things, it will be proved by their own evidence, I disliked and objected to, not because I thought they were criminal or treasonable; for I should be ashamed to be defending myself from facts which I conceive to be innocent: first, I meet the fact; if the fact is proved upon me, then I will shew it not to be treasonable: but I shall be compelled to refuse to admit the papers, because I had no share in them. In some of them there is a great deal of merit, but not having been concerned in them I really have not a share in that merit, which I think belongs to other men; and when I defend myself from these things, I beg I may not prejudice other men, for I do not consider them as crimes, but I was not present; and before your Lordship admits this as evidence, I intreat your Lordship will hear my Counsel argue it as to matter of law. I hope I am forgiven for saying so much about it.

Lord Chief Justice Eyre. A person in your situation is heard with attention, whether it makes directly to the point or no; you have spoken properly to the point at present; I can only recommend to you not to break in upon parts of the evidence, but to wait patiently till the whole evidence to that head is concluded, and then if it is not fairly brought home to you, I shall tell the Jury that it has no fair application.

Mr. Tooke. I think I am bound by law to meet every thing if it is not fairly evidence.

Lord Chief Justice Eyre. It is difficult to say what is or not evidence in itself, because it all depends upon the chain and connection it has---if there are two or three links in the chain, they must go to one first and then to another, and see whether they amount to evidence; if you suspect that what they have to offer is not evidence, and not of that nature, you may call upon them to state in what way they mean to

bring this home to you---that would be proper enough. At present they seem to me to be going on in the regular course.

Mr. Tooke. I beg your pardon, my Lord, but is not a chain composed of links? and may I not disjoin each link, and do not I thereby destroy the chain?

Lord Chief Justice Eyre. I rather think not, till the links are put together and form the chain.

Mr. Tooke. I rather think I may, because it is my business to prevent the forming of that chain.

Mr. Erskine. The reason why I find myself disposed to give your Lordship so very little trouble in the course of the evidence, is not only because I recollect that all that your Lordship is hearing read is very much the same that your Lordship and we have heard read, and have seen done, several years ago; but that my memory, which is not so extensive, and cannot at my time of life be so great, extends at least to recollecting that last week, or the week before last, when all the matter which has been proposed in the opening of the Solicitor General to be read, was read---was submitted to the consideration of this very Court, and to the consideration of a Jury, in a case where the prisoner at the bar was the composer of most of the writings in question (to which my present client states himself to be a stranger), and who, in the sequel of the cause, when your Lordship came to discharge the duty cast upon you by the law stated (and with the assent of us, who were Mr. Hardy's Counsel), that we had never contradicted that he must be taken, as being the author of them, to be implicated in every part of them, and responsible for his conduct. Your Lordship was pleased to declare from the bench, that the contrary of that proposition had been faintly asserted at the bar, as indeed it had scarcely been asserted; and, notwithstanding the office I hold here---and I am persuaded I shall have the justice done me to be believed when I say, that no man feels more acutely than I do my situation, standing as Counsel for a prisoner for Treason---yet, I say, I have felt no emotion at all in hearing these papers read, the quality of which I conceive has already had a satisfactory judgment of a Jury.

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Be that as it may, since my client wishes I should say a few words to your Lordship upon this subject, I will do it, not at all anxious upon his account, whether I shall prevail or not; but if it should turn out that I should be well founded in the little I shall have to say, in point of law, I shall be glad to say it, on account of the mischief that may otherwise follow to others, though none can to the Gentleman behind me:

I understand, from the opening of the Solicitor General, that he means to say—means to say!—he has said it—that all these writings, taken together; all these *writings*—for to day, your Lordship will recollect, we have heard nothing of arms, nothing of force, no one act of hostility in contemplation proved, nor suggested—but the Solicitor General has been pleased to say (from what authority will by and by be enquired into, if I have strength to make the inquiry), that all these acts, taken together; all these correspondencies—correspondencies of whom? Correspondencies held between people, whom it cannot appear that Mr. Tooke ever saw; and your Lordship will please to recollect that I am now standing—*principiis obsta*, is a good motto—I am standing now upon the production of the first page of written evidence; your Lordship, indeed, has been in Court when the Solicitor General opened his case; but I ask the Court, unless his case had been made up of materials, of which, I hope, no Crown brief will ever be again made up, namely, of accusatory matter from the two Houses of Parliament, which is to be read, printed upon the trial of a prisoner, your Lordship could not give credence to any part of it at all, nor consider it as any thing more than the mere instructions which a Counsel at the bar has from any client to state that client's case.

Then the overt act, upon this record, is for consulting to call a Convention, and that Convention is supposed to be a Convention to subvert the fundamental Government of this Country, and to be therefore an act sufficiently evidencing an intention to depose and put the King to death; and the first step, or, to use my client's expressions, the first link of this chain is, that in the possession of a Daniel Adams, who is not yet called as a witness,
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in his custody, upon his apprehension, was found this book. It is not in evidence yet that any such Society, as the Constitutional Society, existed at all; neither is it in evidence that this Daniel Adams, in whose custody this book was found, was the Secretary of that Society; and that cannot be proved but by calling the man himself, or proving, from the mouth of some other person, that he stood in that situation. Your Lordship then has a book, which, *non constat*, Mr. Tooke ever saw, which, *non constat*, ever was in the place where this Society, called the Constitutional Society, was supposed to have existed; but you have a book, with a white parchment cover, which a Messenger of the King seized in the possession of a man, between whom and the prisoner at the bar no privity whatever is proved; for it does not appear that the prisoner was acquainted with Adams, had any conversation with him, or had even ever seen him.

I have always understood it to be a clear rule of evidence, that the best evidence, which the nature of the case will admit of, must be produced, and that you shall not have recourse to secondary evidence; and for this reason, that the production of the secondary evidence affords a presumption, that if the superior and primary evidence were produced, it would make against the party producing that which is secondary; that is the reason given by Lord Chief Baron Gilbert, and it is what every man's own sense suggests. But it is said--and I feel the force of what your Lordship says, as far as it extends--perhaps this may not ultimately come home to the prisoner, and, if it does not, it passes harmlessly over his head; he cannot be affected by any evidence read here, if it shall turn out in the sequel that the Crown does not succeed to fasten the evidence upon him.

Now this is taken to be a component part with other writings of that which will constitute--what, a libel? No, my Lord, but which will constitute an overt act of High Treason, for compassing the King's death. Will your Lordship, therefore, in a case of High Treason, have resort to a species of proof which you know you could not have recourse to in a lower species of offence; for, let me suppose, that the crime charged upon Mr. Tooke was
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the having published this as a libel, as having been consenting to the writing of it, or consenting to the publication of it, or having been implicated, in any one respect, in giving it an existence, or in giving it currency, might it not equally have been said, read the paper first; when the libel is read, if it does not afterwards come home to the prisoner, he will not be answerable for its contents; and he cannot suffer, certainly, because it happens to have been read to the Jury upon the mere evidence that such a paper existed.

Now, for instance, suppose this, as I am now putting it, instead of being an overt act of High Treason, was, that the people, whose names have been read here, had published this as a libel, and that they were indicted for a conspiracy to publish this libel, would it be said that this should be read as evidence against the prisoner, before his connection with it is proved to have had an existence? I take the reason of that to be this---and I take the reason of it to be founded in great wisdom---in that which, in my opinion, forms the glory of the English law in all its parts, in an acquaintance with the human character, in the recognition of all that belongs to the principles of the human mind, in the recollection of our wise ancestors that men are not angels, that they carry about them, and your Lordships even carry about you, all the infirmities of humanity; and that it therefore shall not be permitted to make a strong impression upon the minds of men, by reading matters at which---though I will not say that this matter is so, I am arguing upon general principles---at which the mind of man revolts; and so, in the course of a long trial, the Jury afterwards cannot discharge from their recollection what they have heard; they do not remember with precision whether that, which was read, was brought home to the prisoner; and then they mix up, in their imagination and recollection, matters which they may disapprove, with disapprobation of the person who is on trial before them. I take that, with humility, to be the principle; then, if this is so, how can it possibly cease to be the same principle, when you consider the nature of the crime?

My Lord, I do not affect to know, with great precision, all that has passed upon one of the most solemn trials, most undoubtedly, that has happened for many, many years in this kingdom; and which most undoubtedly, as I said upon a former occasion, I most sincerely hope, for the honour of the Country, will be the last of that description—I speak of the trial, by impeachment, of Warren Hastings. If I do not mistake very much, and I think I do not, this very question was brought for the consideration of the Judges upon that trial; whether a paper, which paper sought to implicate in criminality the prisoner at that bar, should be read against him, even if it could be found in his custody, unless it could be shewn, by evidence, that he was acquainted with its contents, and had ratified and recognized, and given it effect. I am speaking in the hearing of an honourable and learned Gentleman, one of the Counsel for the Crown, who, very probably, may have an opportunity of correcting me in stating what I understand. But my learned friend and I have recently considered this matter, and we certainly are not able to distinguish, because it was argued with the greatest ingenuity there; just as it is argued here, that if it does not come ultimately home to the person who is to be accused by it, he is not to be affected by it; but it was answered by the Judges, as I hope it will be by your Lordships to-day, that it must, first of all, be brought home to the person who is to be affected by it, before it is suffered to be read; for, after it is read, the effect is had, and that is the danger I complain of. Having done so, I do beg that your Lordships, and the Gentlemen of the Jury, may recollect—I beg pardon for saying the Gentlemen of the Jury; I address myself to the Court—and I wish, my Lord, that it may be recollected that I shewed no disposition to; on the contrary, that I rather hung back, from the argument, because I conceived then, as I conceive now, that the matter, which is contained in this book, when it is explained, all which the Solicitor General has himself stated, will, most undoubtedly, not produce any effect which I have any occasion to shrink from, standing in this place,

either

either as I represent the prisoner at the bar, or any other persons liable to be tried for the same species of offence.

Lord Chief Justice Eyre. We are entangled in a little puzzle about this species of evidence. If the question is, Whether it is now to be read? I think the objection is good. If the question is, Whether it is evidence admissible, not yet to be read, but to be read, or not, as other evidence shall bring the matter of it sufficiently home to the prisoner? Then the objection is ill founded; but I think you are certainly right in saying, that it is not evidence merely from the finding of it upon Adams; it is not ripe to be read; and it was not read, I recollect now, in the former case, until Adams himself had been called, and had proved that this was the book; and that, in this book, were regularly and truly entered, all the proceedings of this Society.

If it had gone to the length of the proof, that Mr. Horne Tooke was a member, and that this was a book in which the proceedings of the Society were regularly entered, then it would be evidence to go to the Jury, subject to all those observations that might be made upon it, the entries being carelessly made or entered, in the absence of a particular member.

Mr. Bower. The parts wrote by Mr. Tooke himself must be evidence.

Lord Chief Justice Eyre. Certainly, but I do not apprehend that goes to this entry.

Mr. Garrow. Mr. Horne Tooke said he was a member of the Constitutional Society.

Mr. Tooke. Mr. Garrow must not slide in upon us any thing that has not yet been decided. I pass it by at present. I acquiesce in what your Lordship has decided. If the Counsel for the Crown should at any time, while we are talking upon another question, slide in something that should be taken as granted, I beg I may not so be understood to have admitted.

Lord Chief Justice Eyre. You do right to make your objection at the time.

Mr.

Mr. Tooke. I admit I paid a guinea a year for the last ten years, to go into a room that other persons had a title, upon the same circumstances, to go into, but I was not a member of a Corporation; I was not accountable for any thing that passed; I could not be accountable, by my pocket, for a farthing, and therefore it would be strange if I should be answerable with my life.

Mr. Garrow. I humbly intreat permission of the Court to make one or two observations, from the very uncommon situation into which the prisoner at the bar has put me. I hope that, upon any occasion, when called upon to discharge a professional duty, still more upon so important an occasion as this, I should not disgrace myself by any want of candour, decorum, or propriety. My Lord, I may transgress, but, whenever I do, I hope that the members of my profession will do me the justice to believe, from what they have seen of my conduct, that it must be from that error to which we all are liable, but not from intention. I cannot, upon such a trial as this, which is every day, in some shape, correct or otherwise, published in the newspapers; and I have great reason personally to complain, manifestly and purposely, not correct with respect to myself, in the course of the last trial. I cannot permit all the newspapers of to-morrow to state, that Mr. Tooke had found it necessary to complain, upon the first production of papers, that Mr. Garrow had thought fit to endeavour to slip something in. Let it be distinctly understood what is done; let my conduct be distinctly viewed, and then, those who seek to point me out by misrepresentations by name, by advertisements paid for, cannot represent it unfavourably to me, whatever their object may be. All this will not deter me from doing my duty, under the Constitution which I am happy to be the subject of; for I think, to use the language of a very learned Judge, that a man cannot die too soon, when he dies doing his duty. Let it then be understood what it is I have been doing. This book was produced; nobody could doubt, that, to read the hand-writing of the Gentleman at the bar,

bar, it was competent evidence. We have Mr. Adams to go through those other stages which we have known by experience it was necessary to go through, in order to make that whole book evidence. In the course of this, Mr. Tooke proposed to make some admissions, and, upon its being stated, that this was to prove him a member of the Constitutional Society, he said, or I misunderstood him, that he was a member of this Constitutional Society. I am not repeating that, in order to slip in something in the hearing of the Jury; I am above that practice; in the lowest cause that could ever be trusted to me, I do not desire to get a verdict for any body, or by any means, by means which disgrace all that attempt them by such means. I know we are upon a public theatre, that we have the eyes of a great public upon us; and that we must conduct ourselves with propriety—we *must* do so; there is no merit in doing it.

What is it I have been doing? Not in a whisper, not aside to the Jury, to make an impression upon them;—I said, that it did happen, as it appeared to me that Mr. Tooke had himself said he was a member of that Constitutional Society.

I do intreat Mr. Tooke to believe, that I can have no personal wishes; he and I have met, upon former occasions; I have thought that nothing had ever passed between us, and that he had never seen any thing in my character that could induce him to believe I had any; but I must discharge my duty: I hope from his candour, as well as my friends, that they will not take these opportunities to throw out these sort of insinuations, which cannot have the effect to deter me from doing my duty. I beg pardon of the Court for having trespassed on their indulgence, but, when such an observation as that was made by a Gentleman who does not make any observation lightly, I did think some vindication of myself was necessary.

Mr. Tooke. I beg to make an apology to Mr. Garrow.—I did not mean to impute any thing to him: I only thought it necessary for me, in a situation where I am so materially engaged, to prevent any misapprehension. I did not mean any sort of reproach to him, nor that any reproach should fall upon him, nor any

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reproach in the newspapers, which I have not had any concern with for twenty years. As to calumnies in newspapers, I have a volume of newspapers here full of calumnies. I have read in a book, formerly, cursed is he who revileth the deaf.—My Lord, I have been deaf, blind, lame, and dumb, for many months past, and there has not passed a single day, while I was bound hand and foot in close and severe custody, that papers, paid by the Ministry, have not charged me with guilt, and with facts absolutely false; and, the Attorney-General, who is so careful a *censor morum*, will, I am sure, do me justice hereafter; whether I escape with my life, or not, he will take care that the justice of this Country shall not be run down in the manner I can shew your Lordship. There is abuse even printed on earthen ware as well as sermons, books, songs, and newspapers, full, at which I might be angry as well as that Gentleman—I am sure I meant him no wrong; he never did me any; nor did I mean him any disgrace; and if it will do any good to his character, let it be said in the papers to-morrow, that I humbly beg his pardon.

Mr. Garrow. Mr. Tooke has carried his apology much further than I wished.

Lord Chief Justice Eyre. I have permitted this explanation to go to its full length. I hope, on all sides, that there may be no occasion for any discussion of this sort again; it is very unpleasant. If every body were to state their complaints of the calumny of newspapers, we might put an end to this trial, and listen to nothing else.

Mr. Attorney General, to Mr. William Woodfall. Do you know the hand-writing in this book? (*Shewing it to the witnesses*).

Mr. Tooke. That book is all my hand-writing.

Mr. Woodfall. I believe it to be Mr. Tooke's.

Mr. Attorney General. What is the title of it?

Mr. Woodfall. It is written, on the outside, "Constitutional Club."

Mr.

Mr. Daniel Adams (sworn.)

Examined by Mr. Bower.

Q. Have you been Secretary to the Society for Constitutional Information for some years past?

A. Yes.

Q. How many years have you been Secretary?

A. Ten.

Q. Is that one of the books, containing the proceedings of the Society?—(shewing it to the witness.)

A. Yes.

Q. Are the entries made in these books made by you, in the capacity of Secretary to that Society?

A. Yes.

Q. Mr. Tooke was a member, as he admits, during the last ten years; if you turn to these entries, you will see the names of persons stated as being present. My question is, Did you put down the names of such as were present, or of persons that were not present?

A. I put down the names of those that were present, and not present; I will explain myself:—they came into the room, and their names were put down; it frequently happened, that they went away soon after their names were put down.

Q. Did you put down persons who were not present, (at some time or other, of those evenings, when their names were put down?

A. Some gentlemen frequently dined together; their names were put down whether they went away as soon as dinner was over or not, as attending the whole evening.

Lord Chief Justice Eyre. Were their names put down before they went to dinner?

A. At seven in the evening their names were put down, though, perhaps, they were not there at seven in the evening.

Lord Chief Justice Eyre. At seven in the evening the Society was formed?

A. Yes.

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Lord Chief Justice Eyre. And were, then, all the names of the persons that had been at dinner put down, whether they remained at the hour when the Society was formed or not?

A. Yes, If they were members of the Society.

Mr. Bower. How did you begin the business, and what was the first thing done at each night of their assembling?

A. The first business was to enter the names, and to read over the minutes of the last meeting.

Q. Were the books produced then, with the resolutions, and the entry of the last meeting inserted in them, at every subsequent meeting, so as to be read at the subsequent meeting?

A. Yes.

Q. And was it the practice of the Society, that the acts of the former meeting were read at the subsequent meeting?

A. Yes.

Q. Whether Mr. Tooke, as a member of this Society, had, or not, opportunities of recourse or resort to these books; and whether there are any entries, or any corrections in Mr. Tooke's hand-writing?

A. I do not know that there are any corrections in Mr. Tooke's hand-writing in the books.

Q. Were the books laid for the inspection of the members at the meetings?

A. During the meetings, at no other times.

Q. Was Mr. Tooke a frequent attendant there, or only seldom?

A. He was frequently there.

Q. Was he as frequently there as any other member of the Society, that you can recal to your recollection?

A. He was frequently there; but, living out of town, he did not often stay quite so long as other members.

Q. But was he in the habit of being at the Society at the time these books were produced, after the dinner was over, and the dinner party broke up?

A. Very often; it could not always be the case.

Q. Was he generally, or only seldom?

A. He

A. He was frequently.

Q. Did you copy into that book from other minutes?

A. Yes.

Q. Given to you by other persons; I confine my question to minutes given by Mr. Tooke?

A. I cannot say that, they were handed up to me from different people in the room.

Q. Look at that book; is that one of the books of the Society?

A. Yes; but some of these entries were before I was Secretary.

Q. Is it a thing you put down at random; or do you put down as certain that persons are in the chair whom you put down as being in the chair?

A. As being in the chair; but they do not always remain in the chair.

Q. When there are two chairmen in one evening, is that always noticed?

A. It is sometimes, but not always noticed.

Q. I understand you, that you never enter a person as being in the chair that was not in the chair, though he may not have staid all the evening?

A. Certainly not.

Q. I before asked you whether that book contained a true state of the proceedings of the Society?

A. As far as I know, as far as I have copied; I do not know that I have copied them correct; I do not know that I have not made any mistake.

Q. But you have not made any wilful mistakes?

A. No.

Mr. Daniel Adams,

Cross-examined by Mr. Tooke.

Q. I have nothing to ask you that you will have any difficulty in answering. A gentleman tells me, which I hardly knew, that the names were taken down upon paper, corrected by

different persons, and that you copied them afterwards into the books of the Society, sometimes the same night, but most commonly after—was it so or not?

A. The minutes certainly were so, the names were generally put upon one paper, and the resolutions were slips of paper frequently, most generally.

Q. Did you enter them the same night, or at other times?

A. At other times, three or four days after; before the Friday following.

Q. That the Court may perfectly understand the examination that has been had, I would ask, was there not what was called a Constitutional Club, a dinner meeting, besides the Society for Constitutional Information?

A. Yes.

Q. That dinner club, of which the Gentlemen have the green book, contains nothing but the names of persons who dined there?

A. I believe nothing else—I never saw much of it.

Q. Do you remember that there was a regular dinner?

A. Surely.

Q. At what hour?

A. Four, or a quarter past four—I believe four exactly.

Q. Was that dinner company only of persons members of the Society, or visitors, and others?

A. Of every Gentleman that any person thought proper to bring with him.

Q. How many years have you been Secretary of this Society?

A. I believe ten years.

Q. Was I a member before you was Secretary, or afterwards?

A. Before.

Q. When first you was a candidate to be Secretary to the Society for Constitutional Information, was it, or was it not, known and declared that you had a place under Government at the same time?

A. Yes; it was known that I had.

Q. Was it known that you had permission from some persons belonging to the board where you had a place, to become Secretary to the Constitutional Society?

A. Certainly not from the board.

Q. Some persons belonging to the board?

A. Not by some persons that belonged to the board.

Q. By some person?

A. It was understood so by a very particular friend of mine ten years ago, that I was Secretary to that Society.

Q. That it would not be offensive to the board?

A. I do not know that it went so far as that.

Q. Have you the books of accounts of the Society for Constitutional Information, or were they seized with the other books?

A. They were seized with the other books.

Q. Do you recollect what was the usual subscription paid by the different members of the Society?

A. A guinea a year.

Q. Was the Society very rich?

A. Never.

Q. What sum of money do you think all the subscriptions together might amount to in a year?

A. About sixty pounds, but I do not know exactly.

Q. How much of that went for the regular expences of the Society, the Secretary, the room, paper, pens, ink, messengers, and so forth?

A. At that time about fifty pounds.

Q. Then there was about ten pounds a year left to overturn the Government with; were you generally in arrears, or in advance?

A. In advance generally to the Society.

Q. I ask this question only to show the riches of the Society; how capable they were to over-turn the great weight of Government. Do you recollect any thing of the 25th of October, 1793; do you recollect some motion that was made for another

meeting to be called for the purpose of taking into consideration whether they would or not send Delegates to the British Convention in Scotland?

A. I cannot charge my recollection.

Mr. Bower. If you entered it, I presume it will be found in the book?

Mr. Tooke. Turn to the book, the 25th of October, 1793, if you please. It is not to delay the time of the Court.

Lord Chief Justice Eyre. Do not imagine that we think so, go on in your own course.

Mr. Tooke. Do you find Mr. Tooke's name there?

A. Yes.

Q. Do you now recollect what passed at that meeting; do you recollect that an extraordinary meeting was proposed to be held?

A. I remember there was such a thing.

Q. Was Mr. Tooke present at that time?

A. I do not believe that he was.

Q. Cannot you, by the circumstances, be sure that he was not?

A. Yes; I am certain he was not, because he went away very early.

Q. That was an extraordinary meeting called for the purpose of considering whether they should send Delegates to the British Convention?

A. He certainly was not.

Lord Chief Justice Eyre. Then what you say is, that Mr. Tooke was not there at the time that proposition was made.

A. He was not.

Lord Chief Justice Eyre. Had he been there before?

A. Yes; and was gone.

Mr. Tooke. Do you recollect that for the purpose of that extraordinary meeting, which was held on the 28th, only three days after, you were directed to send summonses to the different members?

A. I do.

Q. Is

Q. Is not that a circumstance by which you recollect that I was not there at the time?

A. It is.

Q. Do you recollect that you did not send a summons to me upon that occasion, but that two members of the Society undertook to come down to inform me of it?

A. I do.

Q. Do you remember the names of those persons who undertook to inform me of that extraordinary meeting?

A. I believe I do.

Q. Mention them?

A. I think they were Mr. Sinclair and Mr. John Williams.

Q. When the extraordinary meeting was held on the 28th, do you recollect whether I was there, or not?

A. You was not there.

Q. Have you good reasons to know that I opposed strongly, and disapproved with anger, the sending of those Delegates to the British Convention in Scotland?

A. I certainly have.

Lord Chief Justice Eyre. What reason have you to know that?

A. From a conversation with Mr. Tooke himself.

Mr. Tooke. Have not you other reasons; had not you conversations with other persons?

A. It was the general opinion that Mr. Tooke objected to it; it was the opinion of Mr. Sinclair and Mr. Williams, I believe, who waited upon him.

Q. Can you recollect to your memory any persons wrangling with me afterwards for that opinion of mine; can you recollect at any subsequent meeting any angry, any strong words between me and any other member, because I did not attend that meeting, because I did not approve of that business?

A. I cannot recollect; but I know it was understood by most of the members, or all of the members present, that Mr. Tooke did not attend that meeting because he disapproved of the measure.

Q. Do you recollect a report among different members of the Society in consequence of that, that I was bribed by the Government?

A. Yes.

Q. Was Mr. Yorke a member of the Society for Constitutional Information?

A. I never understood that he was.

Q. I mention it because it has been stated to-day that he thro' illness did not go to the British Convention where he was sent. Do you understand why he did not go?

A. Because he wanted money.

Q. Was there any money for Mr. Yorke?

A. None.

Q. Was there much money for Mr. Sinclair?

A. Hardly any.

Q. Did you send him a letter in answer to his request for money?

A. Yes.

Q. Of what nature was it?

A. Advising him to come home, as it was the general opinion that he had better not be there.

Q. The general opinion of whom?

A. Of the Society.

Q. Then you understood this to be the purport of Robins's letter to him?

A. The letter is here, I wish to refer to it.

Mr. Tooke. If the letter is here, I hope it will be produced?

Mr. White. What is the date of it?

Mr. Tooke. September or October, 1793. It shows that the whole Society, except four or five, were extremely angry at the measure, and would not subscribe two-pence to it, because they did not like it. Do you think I ever subscribed any thing upon that ground?

A. I think Mr. Tooke did not.

Q. I suppose the list can be found?

A. This

A. This is one of my letters; I do not know whether it is that which Mr. Tooke refers to.

Q. Is it the discouraging letter?

A. It is one of the discouraging letters; I wrote more than one discouraging letter to him.

Mr. Attorney General. Whose hand-writing is that letter, and how much of it is Mr. Tooke's?

A. I never saw the hand-writing in my life, till I saw it at the Society's, nor do I know whose hand-writing it is.

Q. Look at the back of it?

Mr. Tooke. What is written on the back is my hand-writing. Do you recollect to what time the Society adjourned after this sending of Delegates to the British Convention on the 28th of October?

A. To the 8th of November.

Q. To what time did they adjourn from the 8th of November?

A. To the 6th of December.

Q. On the 6th of December, to what time did they then adjourn?

A. To the 10th of January.

Q. So it appears that the Society so little liked the business, which four or five members had done; that during the sitting of the British Convention; and when the Delegates wanted support, they first adjourned for a month; then met and adjourned for five weeks; that does not show great eagerness in that cause. Look to the 21st of June, 1793, to the names of the persons who were then present; do you find Mr. Yorke's name there?

A. Yes.

Q. Do you recollect that you objected to his being present, supposing him not to be a member?

A. I do.

Q. Do you recollect that the gentlemen present intended then to have adjourned to the next winter; and can you recollect any member, then present, strongly endeavouring to persuade the Society that something ought to be done, by way of declaration, or something or other?

A. Yes

A. Yes.

Q. Do you recollect that Mr. Yorke pushed very hard for another meeting?

A. Yes.

Q. And that another meeting was held to oblige him?

A. Yes.

Q. And that an Address was ordered by the Society to be drawn up to the nation?

A. Yes.

Q. And that it was never drawn up?

A. Yes.

Mr. Tooke. I do not know that Mr. Yorke has said or done any thing improper; if he has it must be pinned upon his back; a gentleman meets in a Society, and proposes something which others do not approve, and they negative his motion; he goes 300 miles off and there he does something which is thought to be, or might be wrong, that is attempted to be given in evidence, to fasten it upon those men who would not suffer him to do it in the place where they met him. I draw this from the evidence to shew your Lordship upon what these treasons are built.

Lord Chief Justice Eyre. It will depend upon the subsequent conduct of the other persons with regard to that.

Mr. Tooke. It has been done in this speech, but I do not know that there is any harm in this very speech of Mr. Yorke's.

Lord Chief Justice Eyre. If it be that Yorke's speech was printed and brought back to that Society and then approved of, though it could not be imputed to the Society in respect of their former conduct towards Yorke, it would be imputed to them in respect of their subsequent conduct.

Mr. Tooke. I agree; that because then they could do something themselves. That was in the last trial endeavoured to be put upon Hardy; and it happened that what Mr. Yorke endeavoured to say in London, and was prevented, he went to Yorke or Sheffield, and said it there; that was endeavoured to be put upon Hardy,

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Lord Chief Justice Eyre. Hardy had no wrong done him in that respect, because there was evidence to bring home the conduct of Yorke to Hardy.

Mr. Tooke. But your Lordship will see the wrong that will be done us, if what is done by one is to be imputed to the whole; it is not a corporation, it is a non-entity.

Lord Chief Justice Eyre. I am perfectly aware of that.

Mr. Tooke. I certainly remained when many respectable characters quitted the Society: the Duke of Norfolk, the Duke of Richmond, and many others; they had reasons for quitting; but because I was more consistent than them, it would be very hard that I should be thought more criminal. Mr. Adams, you know that I lived at some distance from London?

A. Yes.

Q. Have you ever been at Mr. Tooke's house?

A. Yes.

Q. Do you know that his family is very small?

A. Yes.

Q. Do you know that his gardener goes to bed at nine o'clock, and gets up to work in the morning at four o'clock?

A. I cannot tell that.

Q. Do you know Mr. Tooke desired to get home very early?

A. Yes.

Q. And frequently went away when the Society met.

A. Yes.

Q. And that sometimes he staid to make up nine for a ballot, and then went away?

A. Yes.

Q. Do not you know that you have frequently requested me to stay in order to prevent the Society doing any act. Do not you know that for upwards of two years my declared opinion to you was, that the Society should lay upon their oars, and adjourn to as distant days as they could.

A. Certainly.

Mr. Tooke. I must be a very uncommon leader, my Lord, Mr. Adams, Do not you know that I was always ready to sign

sign any thing that you wished not to sign. Did I or not, always say, that I never would consent to any thing which I would not myself sign?

A. I think you have always said so.

Q. Have I not sometimes done so?

A. Frequently.

Q. Do you know who was called the father and founder of that Society?

A. Major Cartwright.

Q. Have you ever read the Report of the Secret Committee of the House of Commons?

A. No.

Q. Did you ever read the books and papers, except those which were sent to the Society for Constitutional Information; were you acquainted with the books, papers, and communications of other Societies?

A. Certainly not.

Q. Was it the custom with members of the Society for Constitutional Information, when they met, to read over the books of their own Society?

A. O, no.

Q. Not being a partnership book in which their fortunes were much concerned, they did not trouble themselves then much to know what had been entered in it at different times?

A. No; they hardly ever looked at it.

Mr. Tooke. I asked this question that the prosecutor may perceive, that so far from being accountable for that monstrous collection of different Societies, that they did not know their own collection; they never read what was in their own books.

Lord Chief Justice Eyre. Do you mean a different reading from the minutes—I think you said the minutes were read over always before you began your business?

A. Yes.

Lord Chief Justice Eyre. That they were in the habit of reading the former minutes?

A. Yes.

Mr. Tooke. They were laughing and talking of something else;

else; there is nothing much, your Lordship will see if you look at them, to engage any body's attention.—Do you know, or can you recollect, that when I could not stay, you have spoken to some particular friends to beg them to get an adjournment of the Society?

A. It may have happened once or twice, I don't know that it has more.

Q. What was usually the number, as well as you can recollect, one time with another, of persons who met together at that Society?

A. I should not suppose more than ten, upon an average; there have been thirty, and sometimes not more than six.

Q. Were they armed with pikes or muskets?

A. No.

Q. Did you ever hear any talk of any thing of that kind in the Society?

A. Never in my life.

Q. Were all the members of the Society, do you believe, of the same way of thinking?

A. No; I think not.

Q. You believe there were sometimes debates?

A. Yes.

Q. And sometimes a contrariety of opinion?

A. Greatly so.

Q. Was there ever in the Society such a thing as a Secret Committee?

A. Never.

Q. Was not every thing transacted openly and publicly?

A. Yes.

Q. There were many orders, I perceive, frequently Committees of Correspondence, were there not?

A. Yes; frequently.

Q. Did they ever correspond or write any thing?

A. I do not believe there were above one or two letters ever wrote.

Q. In the course of the ten years?

A. Yes.

A. Yes.

Q. I see in the reports that vast numbers of papers were ordered to be printed, a hundred thousand, I believe, once, to be sent to all the Correspondents in England, France, Scotland, and Ireland; were any papers printed?

A. Shall I trouble you to know what resolution it was?

Q. I do not recollect; but were there ever a hundred thousand printed of any thing?

A. No; nor a quarter of the number. I do not mean to say that there ever were more than five or six thousand of any.

Mr. Attorney General. I understood you to say, that a hundred thousand were ordered to be printed, but that you do not know of more than five thousand being printed?

A. I cannot say exactly, to five thousand of any one work.

Mr. Tooke. But do you recollect that a hundred thousand were ordered to be printed of something, and that it was never printed at all?

A. Yes; I was ordered not to print them.

Q. Do you recollect a great number of Correspondents in France, Scotland, and Ireland, that the Society had?

A. I do not know that we ever corresponded with any body, except in France.

Q. Were the number of letters which they sent, or that they received, the greater?

A. In France we never answered one.

Q. But I mean any where else: did other Societies write to us, and we neglect to answer them?

A. Yes.

Q. Were we often reproached for so doing?

A. Very much so.

Q. When I went away from the Society, which I usually did early, did not some other member of the Society usually go home with me?

A. Yes; sometimes.

Q. Do you recollect who?

A. Sometimes Mr. Sharpe used to go with you.

Q. When

Q. When you were first appointed Secretary was it not the custom of the Society to print pamphlets, and other things, and distribute them gratis?

A. Yes.

Q. Has that been the case for the last three or four years?

A. No; there have been pamphlets printed, and given away, or taken away; I do not know that they have ever been distributed or sent; I cannot charge my memory with any, they have been so trifling, if there have been any.

Q. Do you recollect that before you was dismissed from your employment, you mentioned your expectations that you should be so, to Mr. Tooke?

A. I did.

Q. Can you recollect the advice Mr. Tooke gave you upon that occasion?

A. I do not know that I can exactly; I believe it was to speak to Sir John Dick, one of the board, whom you thought a good-natured man, I believe.

Q. I know him intimately myself, and could have spoken to him for you; but can you recollect my saying, that the Society would never be able to do you any good?

A. I do not recollect that.

Q. Let me try by another circumstance; can you recollect my advising you to do yourself good, and let us so far be the instrument of good, by going to those under whom you had a place, and giving them all the books and information you possibly could relative to our Society; and that I would justify your character for so doing?

A. I do not recollect it.

Q. But the fact is so. Wishing to serve the Secretary, and knowing no other method, I wished him to do that of which he has been, I believe, falsely accused. Had the Privy Council our books of account?

A. Yes.

Q. Of the expenditure and receipt?

A. Yes.

Q. Were

Q. Were any questions asked you concerning them? *W.*

A. I do not recollect there were about the receipts.

Q. Is it not absolutely certain that if they looked at the books of expenditure, it must have been known by those who looked at the orders, for the number to be printed, whether they were printed or not?

Mr. Attorney General. The book would better show it.

Lord Chief Justice Eyre. That can properly only be known by the books themselves, it comes pretty much to the same thing, if you ask him whether the state of the finances of the Society enabled them to print.

Mr. Tooke. They would be able to see whether the finances enabled them to print?

A. Yes; certainly.

Q. Can you guess why in the report which mentions that they were ordered to be printed, it was not inserted that they were never printed; do you know any reason why it was not inserted that they were not printed; and since it may be seen by the book of expenditure, that none were printed, do you know any reason why the order should be put in, and the non-performance of that order omitted?

A. I cannot tell the reason; I believe it was never meant that they should be printed.

Q. I see on the 14th of November, a hundred thousand copies ordered to be printed for our Correspondents in Great-Britain, and Ireland; had the Society any Correspondents in Ireland?

A. No; I do not recollect that they had; I cannot take upon me to say; I believe not.

Lord Chief Justice Eyre. You do not know of any?

A. I do not recollect any.

Mr. Tooke. Have you often heard me joke and laugh at the insignificance of that Society?

A. Very often.

Q. Have you ever heard me declare myself a friend to Universal Suffrage?

A. I cannot immediately bring forward that expression exactly.

Q. Uni-

Q. Universal Suffrage means that every person in England should have a vote for a member of parliament?

A. I have heard you express it in that light.

Q. Do you remember when, and upon what occasion? you misunderstand me now—

Lord Chief Justice Eyre. You have heard Mr. Horne Tooke speak for it; is that what you say?

A. Yes.

Mr. Tooke. For fear there should be any error. Whether you have heard me at any time say that I was for a representation of the people universally, that every man should have equally a vote?

A. I have, certainly.

Mr. Tooke. I believe he is the only man in the world that ever did hear me.

Mr. Adams. If I have said any thing I did not immediately understand, I should be very sorry.

Lord Chief Justice Eyre. Do you wish to explain any thing you have said?

A. I would wish Mr. Tooke should explain any thing.

Lord Chief Justice Eyre. No; have you yourself any wish to explain any thing?

A. No.

Mr. Tooke. Do you recollect Major Cartwright proposing his four propositions of the declaration of rights; or do you know any thing about the declaration of rights?

A. I believe it was not in my time.

Q. Was you present at the anniversary of the Society the 2d of May last.

A. Yes.

Q. Do you remember what passed from me on that day—do you remember the substance of what I might then say?

A. I do not indeed.

Q. No part of it?

A. I could not call to my recollection any part, I was so much engaged.

Q. Will your memory enable you to recollect the anniversary of the French Revolution in the year 1790?

A. I remember attending it; was it at the Shakespear?

Mr. Tooke. No, at the Crown and Anchor; do you remember Earl Stanhope being in the chair?

A. No, I do not.

Q. As far as you could perceive, and as far as you recollect, do you think that I put the Society on too strong measures, or kept them back—do you think that I was forward?

Lord Chief Justice Eyre. You put your question very distinctly before.

A. I do not know how far I might judge of strong measures:—There were some questions put I thought too strong; there were other questions you endeavoured to prevent: there was nothing that I ever had an idea of about treason.

Q. Was there any thing which gave you cause to think that any of the Members of the Society ever intended either to depose or kill the King?

A. Oh no!

Q. Did you ever think they intended to take up arms, or accomplish any thing by force?

A. No.

Q. Did you think they were either bold enough or strong enough?

A. Oh no, never!

Q. What do you think was the object of the greater part or all of that Society?

A. The greater part was for a Parliamentary Reform, and perhaps all might be; but some of them took it in a different view from what I did.

Q. Do you think that these were sly fellows, who meant something that they did not say?

A. No; I believe they meant all they said.

Q. You think they were sincere?

A. Yes.

Q. You have every reason to think so?

A. Yes.

A. Yes.

Q. And no reason to think the contrary?

A. No; I had every reason to believe they were sincere in what they said.

Q. You do not think they made use of this as a pretext for something else: you don't think that with their great wealth or force of arms they meant to subvert the Government; but that they were sincere in wishing a Reform in the Commons House of Parliament?

A. Yes; a Reform in the Commons House of Parliament: but they were not all of the same opinion in the manner of doing it; some went farther than others undoubtedly.

Q. Do you recollect any correspondence between the Society for Constitutional Information and Skirving, or any person residing in Scotland?

A. I recollect their sending a letter, but not our answering any; if it is so it is in the books, which I beg to refer to.

Q. Have you kept back any letters, or papers, or correspondence whatever; are there any but what have been given up or that have been seized on?

A. I do not know of any; it is possible that there may be some, but never intentionally.

Q. Can you recollect the appointment of a Committee of Correspondence on the 4th of April, 1794---“Resolved that “there be appointed a Committee of Correspondence of the “Members of this Society?”

A. Yes.

Q. Can you recollect in what manner that Committee of Correspondence was appointed?

A. In the usual way I think.

Q. But can you recollect this, that I being requested to be a Member of that Committee declared that neither my health nor my business would permit me to be a Member of it?

A. Give me leave to read the minutes

Lord Chief Justice Eyre. Do you remember what Mr. Horne Tooke says?

A. Yes, I do remember it---That his health would not permit him to be on that Committee.

Mr. Tooke. Did I ever meet the Committee?

A. I believe never: I do not know that the Committee ever did meet.

Q. Do you recollect how the Committee of Co-operation was appointed: The resolution is---“ That the Committee of “ Correspondence appointed by this Society be the Committee “ for correspondence and co-operation with Committees of other “ Societies.” You have spoken to the manner in which I was named of the Committee of Correspondence, and therefore my name appeared as on the Committee of Co-operation, because they voted afterwards that the same Committee should be a Committee of Co-operation; but do you know, think, or believe, I ever met either of the Committees?

A. It was understood that you was not appointed.

Mr. Tooke. But my name appears there as though I was, and has been so published?

Lord Chief Justice Eyre. You do not know that Mr. Horne Tooke ever met that Committee of Co-operation?

A. I do not know.

Mr. Tooke. I ask a great number of these questions to get rid of the fact from myself: I hope they will be of no prejudice to others; but I would not have it thought that I consider it as a crime by pushing it from myself, for I do not.

Lord Chief Justice Eyre. You are perfectly right in pushing it from yourself.

Mr. Tooke. Do you recollect notice being given by me that a motion would be made by me, at a future Meeting, for two books to be prepared; in one of which should be written the names of those who deserved the reprobation, and in the other the names of those who deserved the gratitude of the Society?

A. I do.

Q. Do you remember that no such motion was ever made?

A. There was not.

Q. Do you recollect a little mirth at it?

A. There

A. There was a laughing about it.

Q. Can you remember ever to have heard me say that I had lain out of my own bed but twice for the last seven years?

A. I cannot take upon me to say.

Q. Can you remember my saying that if there were a meeting of any of the friends of liberty, for any good purpose, upon Wimbledon Common, that I should certainly be found there?

A. Yes.

Q. But that if it was farther off I should not be found there, because my health would not permit?

A. I do remember that.

Mr. Tooke. I have proved one thing for myself, and another thing against myself—that I love liberty very well near my own home, but would not go a great distance for it. Was you at the last dinner of the Revolution Society in 1793?

A. I have no doubt of it; I have generally attended.

Mr. Tooke. They are very numerous; I belonged to four Constitutional Societies—this is the Revolution Society—the Dissenters keep the 4th, and the Church of England the 5th of November I believe.—Do you recollect my giving a toast that day?

A. Yes, I do.

Q. Can you recollect the substance of it?

A. If you will repeat it to me I shall recollect it.

Q. Was it in these words, or to this effect—May the people of this country never forget nor forsake the present family on the throne, until it shall appear by their conduct that they have forgotten or forsaken the principles which placed them on it?

A. I do very well remember it.

Lord Chief Justice Eyre. Be so good as repeat it.

Mr. Tooke. May the people of this country never forget nor forsake the present family on the throne, until it shall appear by their conduct that they have forgotten or forsaken the principles which placed them on it?

A. I do remember it.

Q. Are you able to tell me who established the dinner club?

A. I believe you did.

Q. Do you recollect why that dinner club was established?

A. I rather think it was in order that the members might meet better.

Q. Do you think the meeting was at half after four, rather than at seven, that I might go home sooner?

Lord Chief Justice Eyre. There might be something to do.

Mr. Tooke. There was nothing to do at the meetings but to eat and drink. Can you say what you meant, or what you believed those of the Society to mean, when they said they would co-operate with the Corresponding Society, in order to obtain their great end—What did you understand by their great end?

A. I understood a Parliamentary Reform was meant.

Q. Do you recollect many candidates being black-balled that wished to be members of the Society?

A. Not a great many.

Q. In ten years, do you think there might be ten?

A. I believe not ten persons.

Q. It was not a very secret Society then, and not much afraid of spies.—Can you swear that the names which are to be found in the books which are called the books of the Society were there at the time that the business inserted under their names passed?

A. Certainly not.

Q. Do you recollect an affectation or imitation of French phrases in the books of the Society?

A. I do not know that there is in the books—I am not so certain of that.

Mr. Tooke. I asked an improper question—the books will better tell that; if they are there they are easy to be found, and would have been found before this.—Did you send any notice to St. André and Barrere that they were elected honorary members of the Constitutional Society?

A. No.

Q. Were you directed to send any?

A. No.

Q. Did you yourself enter all or any part of the speeches of St. André and Barrere in the books of the Society?

A. Not

A. Not any part.

Q. Was you bid to insert any?

A. Yes.

Q. Did you insert any?

A. No.

Q. Had you the news-papers to insert them from?

A. No.

Q. Were the news-papers in the Society?

A. Not that I know of.

Mr. Tooke. But every body else might have the speeches, without being charged with Treason: I have been told that the man who really published the speeches, who sold them to every body that would buy, was called as an evidence on the trial of Mr. Hardy, to prove guilt in those who only talked of inserting them.

Lord Chief Justice Eyre. Certainly it is true that the man was called to prove that there were such speeches in the Moniteur.

Mr. Tooke. And that he sold them, in order to criminate the Society.

Lord Chief Justice Eyre. The way in which the Society was criminated was because they had published to the world that these were the speeches for which they had made these persons honorary members; it was argued that that was pointing out to the world these papers, and recommending them to their attention; that was the way in which it was used.

Mr. Tooke. And it was fortunate for the Society that they did not say such a thing as this—there are some good things in the Alcoran, which are worth attention—they might have been charged with Mahometanism if they had recommended any part of the Alcoran. Had you, after the war, any direct or indirect correspondence whatever with any persons in France?

A. Certainly not.

Q. Do you know that any member of the Society had?

A. No.

Q. Do you think they had?

A. Not that I know of—I speak from my own knowledge.

Q. Did you ever see, or hear of a letter from Mr. Margarot to the London Corresponding Society, containing these words: " We cannot say so much of Citizen Sinclair, from the Society for Constitutional Information. He has been confined to his bed, ever since Saturday, with a violent fever and sore-throat; he is something better this morning. He is a valuable young man; and, should he die, his loss would be severely felt, not, indeed, by his constituents, who have basely abandoned him."?

A. I rather think I have read it; it must appear upon the books.

Q. No; I do not believe it is upon the Constitutional Society's books. This letter was seized, and we get the knowledge of it by having it printed in the report; here is Margarot's testimony that the Constitutional Society had deserted them.

Lord Chief Justice Eyre. What is it?

Mr. Tooke. A copy of a letter from Gerald and Margarot to the Secretary of the London Corresponding Society. It is an extraordinary thing five or six gentlemen choosing to send a Delegate, that the treason, if there is any in it, should fall upon those who had no concern in it; and when the Delegates of the London Corresponding Society state that the Constitutional Society had abandoned him. Do you know, that between two and three years ago, I quitted London, on account of ill-health and infirmity?

A. That was the time, I believe, you went to Wimbledon.

Q. You remember I had a serious infirmity?

A. Yes.

Q. That infirmity put me out of a state to bear arms?

A. Yes.

Mr. Tooke. I am ashamed to have taken up so much time in this examination, but I thought it might rather shorten than delay.

Mr. Daniel Adams,

Examined again by Mr. Attorney General.

Q. Be so good as look at the book—Upon the 11th of April, 1794, you find an entry of Mr. Joyce being in the chair; if you look at the names, you will find that Mr. Tooke, Mr.

Kydd,

Kydd, Mr. Thelwall, Mr. Hardy, and Mr. Richter, were present, among others ?

A. Yes.

Q. You find there an entry to this effect: Mr. Joyce made the report of the meeting of the Delegates of the London Corresponding Society, for the purpose of this Society co-operating with the London Corresponding Society, and that they had come to the following resolutions ; then there are three resolutions entered: " That it appears to this Committee very desirable that a General Meeting, or Convention, of the Friends of Liberty, should be called, for the purpose of taking into consideration the proper methods of obtaining a full and fair representation of the people." Then there is a second resolution. I think you told us, upon Mr. Tooke's examination, that his name was proposed to be on the Committee of Correspondence, in his absence ?

A. I do not know that I said that.

Mr. Tooke. He said, that the former Committee of Correspondence should be a Committee of Co-operation.

Mr. Attorney General. You say you copied into this book the resolutions, first being taken down upon loose paper ?

A. Yes.

Q. The resolutions, when taken down upon loose paper, were not always in your own hand-writing ?

A. Not always.

Q. You can, perhaps, inform me, then, whose hand-writing the part of the resolution, I have now read to you, is ; and whether any, and what part of the rough draught of this resolution is the hand-writing of Mr. Tooke ?

Mr. Tooke. A good deal of it is, I dare say.

Mr. Attorney General. Do you know whose hand-writing this paper is ? (*shewing it to the witness.*)

A. I do not.

Q. That is, however, a rough draught of a resolution of the 11th of April, 1794 ?

A. I believe it to be so.

Q. And

Q. And you believe the resolution in that book to have been entered from that draught?

A. I believe it was.

Mr. Tooke. I do not believe there is a letter of mine in that paper.

Mr. Attorney General. You have told us, with respect to Mr. Sinclair, that he had been sent to the Scotch Convention, at a very private meeting?

A. No; I did not mention that; at an extraordinary general meeting.

Q. Look at this letter (*shewing it to the witness*), and tell me whether it is signed by any person whose hand you know?

A. That is signed by Mr. Tooke.

Mr. Tooke. The whole is written by me.

Mr. Attorney General. I beg to lay the evidence before the Court in my own way. You remember the meeting, perhaps, on the 25th of January, 1794?

A. I do.

Q. You see an entry there, "That it be resolved that the most excellent address of the London Corresponding Society, be inserted in the books of this Society."?

A. Yes.

Q. Was that copied into the book from a rough minute?

A. I dare say it was.

Q. Look at this paper (*shewing it to the witness*), and tell me whose hand-writing that is, if you know it?

A. It is Mr. Tooke's hand-writing.

Q. You know that the London Corresponding Society had had a meeting about four days before that?

A. I do not know it; for I never attended any of their meetings. I dare say they might have had.

Q. Turn to the 17th of January, 1794, do you find in the book an entry, "That law ceases to be an object of obedience when- ever it becomes an instrument of oppression."?

A. Yes.

Q. And several other resolutions that have been referred to?

Q. Yes,

A. Yes.

Q. Who appears to have been in the chair that night?

A. It appears that Mr. Tooke was in the chair.

Mr. Tooke. Do you mean to say that I was in the chair when these resolutions passed?

A. No; I do not mean to say that.

Mr. Attorney General. That is breaking in upon my examination.

Mr. Tooke. It was wrong; I ought not to have done it.

Mr. Attorney General. Was Mr. Bonney present?

A. His name is here.

Q. Was Mr. Martin present?

A. Mr. Martin's name is here.

Q. Was Mr. Kydd present?

A. His name is here.

Q. Whether this is not the rough draft of the minute of that resolution, and whether the fact appear upon it, that these resolutions were come to, and the time at which Mr. Tooke left the chair, is directly stated; and tell me whose hand-writing that is?

A. I should suppose, most probably, that I entered it from this.

Q. Whose hand-writing are those minutes?

A. The greater part of them is mine.

Q. Whose hand-writings is that in the beginning?

A. I do not know.

Q. Do you mean to say that you cannot tell me whose hand-writing that is?

A. I do: sometimes I was in the room, and sometimes not; I was called out frequently by different people, then they laid hold of the paper, and wrote this.

Q. Then, upon your oath, you cannot speak, as to your belief, whose hand-writing that is; speaking of your belief as to the hand-writing of a person you have seen write?

A. I could not swear to the hand-writing.

Q. Can you swear to your belief of it, as being the hand-writing of a person that you have seen write, according to your belief?

A. I think it is possible I may recollect; but I could not swear to it upon my oath; I cannot swear to the hand-writing.

Q. You cannot speak to it, to your belief?

A. I do not know how far I can speak to my belief; I could not speak to it, so as to make it satisfactory to my own mind, as to the hand.

Q. Whose do you believe it to be?

A. It may be Mr. Bonney's.

Q. Do you believe it to be his?

A. I cannot swear I do; because I do not know his hand.

Q. Do you believe it to be his?

A. I do.

Q. Have you ever seen him write?

A. I have seen his writing a great many times, but I do not know that I ever saw him write.

Q. Look at the entry of the 23d of March, 1791; you will find there a resolution of thanks to Mr. Thomas Paine, for his most masterly book intitled the Rights of Man.

A. Yes.

Q. Look forward; you will find it is resolved that the foregoing resolutions, and all future proceedings of this Society, be regularly transmitted, by the Secretary, to all our corresponding constitutional Societies in England, Scotland, and France?

A. Yes.

Q. Then—"Resolved, that the above resolutions be published in the papers."?

A. Yes.

Q. Were these resolutions come to, as you have entered them?

A. They certainly were.

Q. Were they published in the papers?

A. I suppose they were; if they were not, it was those papers that did not choose to insert them.

Q. Whether Mr. Tooke appears in the manner that has before been mentioned to be present at that meeting on the 23d of March, 1791?

A. He

A. He appears in the book.

Q. Look forward to the 1st of April, 1791; does Mr. Tooke appear by the book to have been present then?

A. He does.

Q. Do you find a resolution there, "that the resolutions of this Society recommending Paine's book, 'the Rights of Man,' and published in several of the papers, be republished in the following, viz. General Evening, Morning Post, World, English Chronicle, Sherbourn, Leeds, York, Bristol, Nottingham, and Birmingham papers?" Did the Society come to that resolution?

A. Certainly they did; I suppose so, or I should not have entered it there.

Q. Have you any reason that enables you to state, one way or other, whether these resolutions were actually printed in the several papers which I have now mentioned?

A. I cannot take upon me to say that they were; very likely they might; the London ones—but I can't possibly take upon me to say.

Q. Turn to the 9th of March, 1792, you will find a gentleman there proposed of the name of Joel Barlow?

A. Yes.

Q. Who was he proposed and seconded by, as appears by the book?

A. "Joel Barlow, Esq; author of Advice to the Privileged Orders, proposed as an honorary Member by Mr. Tooke, and seconded by Mr. Sharpe."

Q. Go to the 16th of March, 1792, you will find this resolution: "Ordered that the Secretary return to the Chairman of the Society at Manchester, the thanks of this Society for his communication; at the same time assuring him that this Society does heartily concur in the above resolution," which is a resolution of the Manchester Constitutional Society, signed Thomas Walker and Samuel Jackson; and, among other things, is this; "That this Society congratulate their Country at large on the influence which Mr. Paine's publications appear to have had in procuring the repeal of some oppressive taxes in the present Session of Parliament." You find that, dont you?

A. Yes.

A. Yes.

Q. Then you find the order that the Secretary should return thanks to the Chairman?

A. Yes.

Q. Whose hand-writing is this paper (*showing it to the witness*), and whether that is the rough draft of the resolutions which you copied?

A. This is the rough draft, and it is Mr. Tooke's hand-writing.

Q. Who was in the chair at that meeting?

A. Mr. Tooke.

Q. Look at the meeting of the 23d of March, 1792; you observe there that the Sheffield resolution is entered: " We declare that we have derived more true knowledge from the two works of Mr. Thomas Paine, intitled Rights of Man, part the first and second, than from any other author on the subject. The practice, as well as the principle of Government, is laid down, in those works, in a manner so clear and irresistibly convincing, that this Society do hereby resolve to give their thanks to Mr. Paine for his two said publications, Rights of Man, parts 1st and 2d." You observe, at the bottom, the Secretary returns the thanks of the Society, and there is an entry of a resolution: whose hand-writing is that?

A. Mr. Tooke's hand-writing.

Mr. Tooke. That is my hand-writing.

Mr. Attorney General. This is a draft of a letter sent as an answer to the Sheffield Society, informing them they would incorporate their twelve associated members.

Mr. William Woodfall (called again)

Mr. Attorney General. Whose hand-writing do you believe that to be?

A. I believe the main body of it to be Mr. Tooke's; it is marked, I suppose, to be identified—A draft of a letter, which purports, upon the face of it, to be a communication to be made to the Sheffield Society, that associated with them twelve of their Members.

Mr.

Mr. Attorney General. Turn now, Mr. Adams, to the meeting on the 20th of April, 1792; you find a communication there from the Three Tuns Tavern, in Southwark.

A. Yes; there is.

Q. You find a resolution that the thanks of the Society be given to the Southwark Society for the following communication, and a resolution that it should be published in the papers?

A. Yes.

Q. Does your recollection serve you whether it was published in the papers?

A. It does not; but probably it was.

Q. Go to the 27th of April, 1792; does Mr. Tooke appear, by the book, to have been present that day?

A. Yes.

Q. Do you find a letter, addressed to the Friends of the People, entered?

A. Yes.

Q. Who was in the chair that day?

A. It appears that Major Cartwright was.

Q. Was that letter sent?

A. Yes; it was.

Q. Look at the 4th of May, 1792; does Mr. Tooke appear to have been present then?

A. He was.

Q. Have you an entry of reading a letter from the Revolution Society at Norwich?

A. Yes.

Q. Is the letter entered in the book?

A. Yes.

Q. Do you find this passage entered: "The Rights of Man, by Thomas Paine; and the Advice to the Privileged Orders, by Joel Barlow; have also been read with attention, and circulated with avidity; they point out, with clearness, most of the abuses which have accumulated under the British Government; they attack with energy most of the prejudices which have tended to perpetuate them."?

A. Yes.

Q. Was

Q. Was Mr. Thomas Paine one of the Members of your Constitutional Society?

A. He was, I believe, an honorary Member.

Q. Did he attend pretty frequently, while in England?

A. The books will better tell you than I can—I rather think he did attend, but not very often, I believe; but the books will better ascertain that.

Q. Do you find a resolution upon that 4th of May, 1792, to this effect—This Society receives the above communications with the most heart-felt satisfaction, and desire earnestly to concur and to co-operate with those Societies; that is, the Norwich Societies, in their laudable object, and that the Secretary inform them of the same, and of the unanimous election of their twelve members?

A. Yes, nearly to those words.

Q. Look thoroughly at this, and inform me, whether it is the original letter which was read in the Society, upon that night?

A. It has every appearance of it—I cannot say that that is absolutely the letter.

Q. Look at the twelve names at the bottom, and see if there is any hand-writing there that you happen to know?

A. Not one.

Q. You do not know any of the hand-writing that is there?

Mr. Tooke. That is my hand-writing.

Mr. Attorney General. Look at the same 4th of May, 1792, and tell me, if Mr. Martin was proposed to be an honorary member by any body, and by whom?

A. It appears here that Mr. Martin was proposed an honorary member by Mr. Tooke, and seconded by Mr. Frost.

Q. Do you remember any letter of thanks coming from Mr. Martin to the Society?

A. I rather think I do.

Q. Look at that paper, and tell me, if you know any body's hand-writing that is in it?

A. I cannot take upon me to say whose it is.

Mr. Tooke. There is an interlineation that is mine.

Mr. Attorney General. You will be so good as look at the meeting the 11th of May, 1792. Was Mr. Tooke present at that meeting, as appears by the book?

A. Yes.

A. Yes.

Q. You there have an entry, that there should be a communication from this Society with the Friends of the Constitution, at Paris, known by the name of the Jacobins?

A. Yes.

Q. And an address from the Society of the Friends of the Constitution, at Paris, called the Jacobins?

A. Yes.

Q. Do you remember the resolution passing, that you see in that book, that the above address be signed by the Chairman; and, that Mr. John Horne Tooke be requested to transmit it, with all possible dispatch, to Mr. Watt, at Paris?

A. There is such a resolution.

Q. You would not have entered it, unless that had been resolved upon; should you?

A. No.

Q. Do you find another resolution, that the address be read a second time, at the next meeting, for publication?

A. Yes.

Q. Look at the meeting on the 12th of May, 1792. Is there any meeting mentioned in that book, in which you have inserted a letter from Lord John Ruffel?

A. I do not remember that there is any such letter; Can you refer to the date?

Q. The 12th of May, 1792.

A. I do not remember ever hearing of it.

Q. Go to the 18th of May, 1792. Was Mr. Tooke then present, as far as appears by the book?

A. Yes.

Q. Do you find the address to the Jacobins ordered to be published?

A. It does not appear here; I do not see it, at least at present.

Q. If you look on, you will find a letter from Thomas Paine, stating, that he is about to publish a cheap edition of his two parts of the Rights of Man; and then, that the Society take into consideration the contents of that letter. Resolved to give

VOL. I.

K

him

A. Yes.

him thanks, and to support him. Do you recollect, whether that resolution passed or not?

A. Yes.

Q. Do you observe a resolution, that a Committee be appointed to enquire into the rumour of this prosecution of Paine, and to report to the Society at the next meeting?

A. Yes.

Q. Are the Committee named?

A. Yes.

Q. What are their names?

A. Mr. Sharpe, Mr. Tuffin, Mr. Tooke, Mr. Frost, Lord Daer, Mr. Hull, and Mr. Fitzgerald.

Q. Do you see a resolution there, that a copy of Paine's letter, together with these resolutions, should be transmitted to all the associated Societies in Town and Country?

A. Yes.

Q. And that 3000 copies of the above letter and resolutions shall be printed for the use of the Society?

A. Yes.

Q. Were they printed?

A. I cannot take upon me to say, whether they were or not; the account-book will tell, I dare say.

Q. If you look at that paper, you will be able to tell us, from your book, whether they were printed or not; and the address to the Jacobins to be paid for by the Society?

A. This appears to be published in the paper.

Q. Go on to the 25th of May, 1793. Do you find there a resolution, that 6000 more copies of the bills, directed at the last meeting, should be printed; that a hundred be sent to each of the twelve associated members of the Sheffield Constitutional Societies, a hundred to each of the twelve associated members of the Norwich Constitutional Society, two hundred to each of the other Constitutional Societies, two hundred to Derby, and two hundred to the Society at Belfast?

A. It is here.

Q. Did that resolution pass?

A. Yes.

Q. Was

Q. Was Mr. Tooke present, as far as appears by the book, at the time that passed?

A. He appears to be present, as far as the book shews; his name is in the book.

Q. See whether there is an entry of a letter on the same evening, the 24th of May, 1792, signed Thomas Hardy?

A. Here it is in the book, the first of June.

Q. Did you ever see this paper before?

A. I dare say I have seen it.

Q. Whose hand-writing do you believe it to be?

A. I do not know, upon my oath.

Q. Whose hand-writing do you believe it to be?

A. I have not the smallest idea.

Q. Not even—to your belief?

A. No, not even to my belief.

Q. At the meeting on the first of June, 1792, does Mr. Tooke appear to be present?

A. Yes.

Q. You find an entry there, "that the Secretary reported, that " he had sent twelve hundred of the printed bills ordered at " the last meeting, to the Sheffield Constitutional Society, " twelve hundred to the Norwich Constitutional Society, to the " Southwark Constitutional Society two hundred, to the London Corresponding Society two hundred, to a person to be forwarded to Derby two hundred, to the Constitutional Whigs " two hundred, to the Society at Belpar two hundred."—Did you send them?

A. I have no doubt of it, from reporting it.

Q. You find also a resolution—"to send to Mr. Joyce, to be " forwarded to Birmingham, six hundred; to the Society at Aldgate two hundred, to Manchester twelve hundred, to Liverpool two hundred, to Cambridge five hundred, and four hundred to be distributed among the Societies in the neighbourhood of Glasgow."—Do you remember that resolution being come to, to distribute these copies of the cheap edition of the Rights of Man?

A. I have no doubt but it was.

Q. You find a letter of the London Corresponding Society, of the same date, signed Margarot and Hardy?

A. Yes.

Q. Do you find an order there, in these words: "That the said letter be published in such newspapers as will receive the advertisements of this Society."?

A. Yes.

Q. Go to the meeting of the 15th of June; Who was in the chair?

A. Mr. Tooke was in the chair.

Q. See whether there is a minute, that there was read a letter from the London Corresponding Society, stating, that they had opened a subscription for the defence of Paine, and that they wished that six of their members might be associated with this Society?

A. Yes.

Q. You will be able to tell me, perhaps, whether this (*showing it to the witness*) is not the letter that came, and whether this is the signature of Thomas Hardy, or of any body else, and whom; and look at the body of the letter, and tell me, if you know the hand-writing in the body of the letter different from the general contents of it?

A. I never saw Hardy write in my life, as I recollect; it is very different from what I have seen offered to me as his hand-writing in general.

Q. Then you do not know, either whose hand-writing the body of it is, or whose hand-writing the interlineation is?

Mr. Tooke. The interlineation of "and that knowledge," is mine.

Mr. Attorney General. You find an order, stating, that the Secretary was to inform the Secretary of the London Corresponding Society, that the Society received their proposal with pleasure, and were willing to admit six of their members, whom they would acknowledge to be associated members.—Do you recollect that passage?

A. Yes.

Q. Do

Q. Do you recollect the letter of the London Corresponding Society, and the two last resolutions, being ordered to be published in the newspapers?

A. It is mentioned here.

Q. See if there is a resolution there, "That twelve thousand copies of Mr. Paine's letter, dated the 6th of June, 1792, to Mr. Secretary Dundas, be printed by the Society, for the purpose of being transmitted to our correspondents throughout Great Britain, and that a Committee be appointed to direct the same."?

A. There is such a letter.

Q. Does it appear who are the Committee?

A. Yes; Mr. Tooke, Mr. Sturch, Mr. Chatfield, Rev. Mr. Joyce, Mr. Symonds, and Mr. Frost.

Q. Inform me, if you know whose hand-writing that minute is, that ordered the twelve thousand copies to be published?

A. It is Mr. Tooke's hand-writing.

Q. Go to the 22d of June, 1792; was Mr. Tooke present then, as far as appears by the book?

A. He was.

Q. Who was in the chair that day?

A. Mr. Frost.

Q. Have you an entry, "A member reported, that an information was filed against Mr. Paine, for his publication of the Rights of Man."?

A. Yes there is,

Q. And that a subscription entered into for him, be entered into a separate part of the book, and be received by Mr. Bonney, his Solicitor?

A. It runs thus—"Ordered that the subscription entered into for the benefit of Mr. Thomas Paine, be entered in a separate part of the book, and kept open for the members of this Society."

Q. Look to the 29th of June, 1792, you find there, that the Committee who had been appointed, reported a plan of distribution of twelve thousand copies of Mr. Paine's letter to

Mr. Dundas, which was adopted. Were those twelve thousand copies distributed according to that plan?

A. I do not know. I had not the distributing of them I believe.

Q. You paid for printing the letter, and for the address to the Jacobins I believe?

A. Yes; it appears so here.

Q. Turn to the meeting of the 13th of July, 1792, you find it is stated "that six Gentlemen, recommended by the "London Corresponding Society, were elected." Were they elected upon that day according to your recollection?

A. Yes.

Q. Look to the meeting of the 5th of October, 1792;—was Mr. Tooke present upon that day, according to the best of your recollection?

A. His name is here.

Q. Do you find an entry—"Read a letter from the Constitutional Whigs Independent, and Friends of the People, accompanied with fifty copies of a letter transmitted to them "from the Friends of Freedom at Cherbourg."?

A. Yes.

Q. Do you remember that letter being read; it must, I suppose, have been read, as it is entered?

A. If it is entered, it must have been read.

Q. Go to the 12th of October, 1792; do you find there—"Read Mr. Barlow's letter to the National Convention of "France."?

A. Yes.

Q. Was Mr. Tooke present at this meeting?

A. His name is here.

Q. Was Mr. Martin present, as far as appears by the book?

A. Yes.

Q. Mr. Richter?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Do

Q. Do you remember receiving a letter from Mr. Barlow with that book, called his letter to the National Convention of France?

A. I dare say so, because the letter is entered.

Q. Do you find a resolution there—"that Mr. Sturch be requested to draw up an answer to the letter of Mr. Barlow, expressing how much pride this Society feel at having elected him an honorary member?"

A. Yes.

Q. Did that resolution pass?

A. Yes.

Q. Do you remember receiving an address from the National Convention to your Society?

A. Yes.

Q. Was it read and entered?

A. Yes.

Q. Look to the meeting of the 19th of October, 1792, and inform me who was in the chair?

A. Mr. Tooke,

Q. Does it appear at that meeting that an answer to Mr. Joel Barlow was produced and approved, and ordered to be published with his letter?

A. Yes, it appears so.

Q. Does it appear from your book, and is it fact, that a Committee was appointed that night to confer with the Delegates of the Corresponding Society upon the address of the National Convention of France?

A. Yes.

Q. Who formed that Committee; was Mr. Tooke one of them?

A. Yes, he appears one of the Committee upon the back.

Q. Look to the meeting of the 26th of October, 1792; you find that you read a report of the Committee appointed at the last meeting; it is entered by the book that you did so?

A. Yes.

Q. Is the fact that you did so?

A. No doubt.

Q. Do you find a resolution—" That it is the opinion of that
" Committee, that the purpose of the address drawn up by the
" London Corresponding Society would be better answered
" by separate addresses than by one joint address;" look at the
second of November, see if it is there?

A. I do not see it.

Q. Does Mr. Tooke appear to have been present upon the
26th of October?

A. Yes.

Q. Go to the 9th of November, 1792; does Mr. Tooke ap-
pear to have been present then?

A. Yes.

Q. There is entered then an address from the Society for
Constitutional Information to the National Convention in
France?

A. There is.

Q. Was that address read and approved of at that meeting,
according to your recollection?

A. I believe it was.

Q. Do you find a resolution there—" That Barlow and
" Frost be deputed by the Society to present the address of the
" Society at the bar of the National Convention in France?

A. Yes.

Q. Did that resolution pass?

A. Yes.

Q. Do you find that Barlow and Frost having accepted the
above deputation, the Society thank them for it?

A. Yes; nearly in those words.

Q. Did that pass?

A. Yes.

Q. Do you find an entry there—" That a subscription be
" opened for assisting the efforts of France in the cause of
" freedom."?

A. Yes.

Q. Was such a subscription opened in the Society?

A. There never was but one that I recollect, and that was
afterwards.

Q. Go

Q. Go to the meeting of the 14th of December, 1792; does Mr. Tooke appear to have been present at that meeting?

A. Yes.

Q. Mr. Bonney?

A. Yes.

Q. Mr. Martin?

A. Yes.

Q. Mr. Kydd?

A. Yes.

Q. Mr. Richter?

A. I do not see his name.

Q. Mr. Holcroft?

A. Yes.

Q. Mr. Joyce?

A. Mr. Joyce's name, I believe, does not appear.

Q. You will find there—" Read a printed address from " Manchester."

A. Yes.

Q. Do you find on the same day—" Resolved that one hundred thousand copies of the same be printed by this Society, " and distributed to their correspondents in Great-Britain and " Ireland."?

A. Yes.

Q. Was that resolution come to?

A. It was passed.

Q. Can you tell me whose hand-writing the resolution is, if I shew it you; if you look forward you will see an address from the Society of the Friends of Liberty and Equality sitting at Laon?

A. Yes.

Q. Was that letter read?

A. I do not think it was read, it was in French; if I recollect some gentleman read part of it, and it was put aside.

Q. How came that entry to be made?

A. I do not know why it was made; it was mere matter of course; I believe it was begun to be read, but they did not think

think it worth while to go through it, I believe, as far as I recollect.

Q. Go on, you will find a letter from the Society of the Friends of Liberty and Equality at Macòn, that was ordered to be entered on the minutes of the Society?

A. Yes; but that was never read.

Q. There is a blank left in the book for it?

A. Yes.

Q. On the next meeting, the 21st of December, you will find a resolution that some Gentlemen should be a Committee for foreign correspondence, Mr. Tooke and others?

A. Yes.

Q. Was Mr. Tooke present when that resolution was come to on the 21st of December, 1792?

A. Yes, as far as appears by the book; I cannot take upon me to say that he was.

Q. Who are the persons that were named to be the Committee of foreign correspondence?

A. Mr. Tooke, Mr. Moore, Mr. Watt, Mr. Gerald, Mr. Kydd, Mr. Reader, Mr. Fitzgerald, Mr. Tuffin, and Lord Sempil.

Q. Look back to the entry of the 4th of May, 1792, and tell me who Mr. Gerald was proposed and seconded by as a member of this Society?

A. Proposed by Mr. Tooke, and seconded by Mr. Frost.

Q. Go to the meeting of the 18th of January, 1793; does Mr. Tooke appear to have been present on that day?

A. He does on the book.

Q. Do you find a resolution there about Citizen St. André?

A. Yes.

Q. Did that resolution pass?

A. Yes.

Q. I understand your Society to have been held about once a week?

A. It was.

Q. Do you find Mr. Tooke present on the 25th of January, as far as appears upon the books?

A. Yes.

A. Yes.

Q. Was Mr. Martin there that day?

A. Yes.

Q. Was Mr. Wardle there that day?

A. Yes.

Q. Mr. Holcroft?

A. Yes.

Q. Mr. Bonney?

A. Yes.

Q. Do you find two resolutions there about Citizen Barrere and Citizen Roland?

A. Yes.

Q. Were those resolutions come to at that meeting?

A. Yes.

Q. Go to the first of February, 1793; was Mr. Tooke present at that meeting, as far as appears by the book?

A. Yes.

Q. Do you find a resolution there about reading a circular letter from the Sheffield Society for Constitutional Information?

A. Yes.

Q. Did that pass?

A. Yes.

Q. Upon the 15th of February, 1793, was Mr. Tooke present that day?

A. By the books he was.

Q. Do you remember the resolution about the speeches of St André and Barrere?

A. Yes.

Q. At the meeting on the 15th, there was a letter from the Society for Constitutional Information at Birmingham read; in which they say, "our Society request the favour of your admitting the following twelve persons whose names are subscribed."?

A. Yes.

Q. Was that letter read?

A. No doubt it was, by its being entered;

Q. You

Q. You do not know the hand-writing of the original?

A. I do not indeed.

Q. Look at the meeting on the 15th of March, 1793; and was Mr. Tooke present then?

A. Yes.

Q. Do you find a resolution in the book—"That the thanks of the Society should be given to Joel Barlow, and John Frost, for their conduct in the presentation of the Address of this Society to the National Convention of France; and that Mr. Frost be assured that our regard for him is not lessened, but increased by the prosecutions and persecutions which his faithful, and due discharge of that commission may bring upon him."?

A. It is entered here.

Q. Did that resolution pass?

A. Yes.

Q. Now for a moment just look back to the 18th of May, 1792, and tell me if you find Mr. Charles Sinclair, elected a member of the Society, and who proposed and seconded him?

A. He was proposed by Mr. Tooke, and seconded by Mr. Frost.

Q. Now go to the 12th of April, 1793, you will find an entry there, "Read an answer directed to be prepared to the letter received from the Political Societies in Norwich." And a resolution that the answer be sent by the Secretary to the Secretaries of the said Societies, Was that answer sent; was that letter read?

A. Yes.

Q. Did you send the answer agreed to be sent on that day?

A. Most likely I did.

Q. Was Mr. Tooke present then?

A. He appears upon the book.

Q. Was a gentleman of the name of Vaughan present that day?

A. It appears here that he was, but why he is put down I do not know, for he is not a member of the Society.

Q. Go

Q. Go on to the 28th of June, 1793; was Mr. Bonney present that day?

A. It appears so.

Q. Mr. Martin?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Was Mr. Yorke present?

A. Yes.

Q. Look back to the 21st of June, and tell me if Mr. Tooke, and Mr. Yorke, were both present then, as far as appears by the book?

A. Yes; as far as appears by the book.

Q. Should you have put them down if they had not been present some part of the time?

A. No; if they had not been present some part.

Q. Look to the 25th of October, 1793; does Mr. Tooke appear to have been present on that day?

A. Yes.

Q. Do you observe an entry, "Mr. Sinclair read a letter, " with an address from Mr. Skirving, Secretary to the Convention of the Friends of the People in Scotland, to the Secretary of the London Corresponding Society."

A. Yes.

Q. Was that letter read?

A. Yes; I suppose so by the entry.

Q. You find a resolution about an Extraordinary General Meeting, did that also pass, according to your general belief?

A. Yes.

Q. Proceed to the 6th of December, 1793; was Mr. Tooke present upon that day, as far as appears upon the book?

A. Yes.

Q. Is there a resolution on that day—"That a General Meeting of the Society be called for the second Friday in January next, for the purpose of considering the important letters received from the delegate Mr. Sinclair."

A. Yes.

A. Yes.

Q. Is there a resolution—"That a Committee should be appointed to correspond with their delegate Mr. Sinclair?"

A. Yes.

Q. Were those resolutions come to?

A. Yes.

Q. You were present upon the 28th of March, 1794?

A. Yes.

Q. Was Mr. Tooke present, as far as appears on that day?

A. Yes.

Q. Mr. Bonney?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Mr. Kydd?

A. Yes.

Q. Do you remember the resolution to enter a letter signed Thomas Hardy, upon the books of the Society, beginning Citizen?

A. Yes; it appears here.

Q. Is it entered?

A. Yes.

Q. Were you present at a Meeting of the 4th of April, 1794?

A. Yes.

Q. Was Mr. Tooke present then?

A. He appears in the book.

Q. Mr. Bonney?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Mr. Hardy?

A. Yes.

Q. Mr. Kydd?

A. Yes.

Q. Mr. Richter?

A. Yes.

A. Yes.
Q. Did the resolutions pass that are entered upon the book, as upon that day?

A. I should have no doubt of it, as far as I can recollect.

Q. The 9th of May, 1794; was Mr. Tooke present then?

A. It appears so.

Q. Do you see an entry—"Read a pamphlet containing certain proceedings of the London Corresponding Society, and of this Society. Resolved, that two thousand of the same be printed by this Society?"

A. Yes.

Q. Did that pass?

A. Yes; I suppose so.

Mr. Daniel Adams,

Cross-examined by Mr. Tooke.

Q. On the 24th of January, 1794; there is an order "That the Address of the London Corresponding Society should be entered in the books of the Society." Was the Address ever entered?

A. Not the Address of the London Corresponding Society; I do not know that it was ever ordered—A motion was made, that it be resolved, that the most excellent Address of the London Corresponding Society be inserted in the books of this Society.

Q. Is it inserted any where?

A. It certainly was not.

Q. You have been asked, whether on the first of April, 1791, the Society did come to that resolution; to which you answer, as appears by the books, yes.—What did you understand when you were asked, whether the Society came to that resolution—had you any determinate notion of the persons meant by the word *Society*; when the Attorney General asked you, whether the Society did a particular thing, and you have answered, yes, because you find it in the books; could you, if asked, explain who were the individuals meant by the word *Society*?

A. I could not.

Q. Then at all times when you answered, that the Society did such a thing, all that you mean to say was, that some persons, but you do not know who, did so?

A. Yes; certainly.

Q. There is a great deal of intelligence gained by this.—Then you have been asked many questions about the names of those who proposed certain members in the Society—did you, or did you not know, that in the year 1790, I was a candidate to represent the city of Westminster in parliament?

A. Yes.

Q. Do you not suppose, that in consequence of that many persons might apply to me to be proposed as members of that Society?

A. Very likely; but I do not know.

Q. You have been asked, whether Mr. Vaughan was present at a certain meeting of the Society, you said he was not a member; but it was said he was a visitor; did the Society admit of visitors?

A. No.

Q. He often dined, I suppose, at the dinner-club, as many other gentlemen did?

A. Yes; he did.

Q. You were just now asked, whether I did not appear to have been present, on the 25th of October, 1793, when a resolution was passed relative to the delegates—you answered, that it appeared by the books I was—but you forgot, you before declared, that though I appeared by the books to be present, you knew I was not present, at that time?

A. You certainly was not present.

Q. You said circumstances led you to know that I was not present, at that time?

A. Yes.

*Mr. Attorney General. Do you mean to say Mr. Tooke was not present at any part of that evening?

A. No; I do not mean to say that.

Lord Chief Justice Eyre. Gentlemen, it seems the purpose of this long examination has been only to shew, that those articles

which

which are entered in this book, were real transactions of those people who call themselves the Society for Constitutional Information, consisting sometimes of one set of people, and sometimes of another: they have not read them to you for the purpose of your marking the contents of them as yet; but in order to entitle them to read them, it was necessary to go into this examination.

(The following entries were read from the books of the Constitutional Society.)

" At a meeting of the Society for Constitutional Information,
" held at the Secretary's house, Tooke's-court, Chancery-lane,
" Friday, 23d of March, 1791.

" PRESENT,

" Dr. Edwards, in the chair.

" Mr. Cooper, Mr. H. Tooke, Mr. Cooper (Manchester) Mr.
" Sharpe, Mr. B. Hollis, Mr. J. Adams, Mr. Favell, Mr.
" Tuffin, Mr. Frost.

" Resolved, That the thanks of this Society be given to Mr.
" Thomas Paine, for his most masterly book, intituled ' The
" Rights of Man,' in which not only the malevolent sophistries
" of hireling scribblers are detected and exposed to merited ridi-
" cule, but many of the most important and beneficial political
" truths are stated, in a manner so irresistibly convincing, as to
" promise the acceleration of that not very distant period, when
" usurping borough sellers, and profligate borough buyers, shall
" be deprived of what they impudently dare to call their pro-
" perty—the choice of the representatives of the people.

" The Constitutional Society cannot help expressing their sa-
" tisfaction that so valuable a publication has proceeded from a
" member of that Society; and they sincerely hope that the
" people of England will give that attention to the subjects dis-
" cussed in Mr. Paine's treatise, which their manifest importance
" so justly deserve."

" Resolved, That the foregoing resolutions, and all future pro-
" ceedings of this Society, be regularly transmitted, by the Secre-
" tary,

" tary, to all our corresponding Constitutional Societies in Eng-
" land, Scotland, and France."

" Resolved, That the above resolutions be published in the
" papers."

" Resolved, That the Secretary be desired to transmit the
" resolutions to Mr. Paine."

" At a meeting of the Society, held Friday, April 1st, 1791,
" at the Secretary's house, Tooke's-court, Chancery-lane.

" PRESENT,

" Richard Sharpe, Esq. in the chair.

" Count Zenobio, Mr. Favell, Mr. B. Cooper, Mr. J. Adams,
" Mr. Tooke, Mr. Cooper, (Manchester) Mr. Frost, Dr.
" Edwards, Mr. Brand Hollis.

" Resolved, That the resolutions of this Society, recom-
" mending Mr. Paine's book, ' The Rights of Man,' and pub-
" lished in several of the papers, be re-published in the follow-
" ing: General Evening, Morning Post, World, English
" Chronicle, Sherborne, Leeds, York, Bristol, Nottingham,
" and Birmingham."

Mr. Thomas Chapman, (sworn)

Examined by Mr. Garrow.

Q. Were you acquainted with Mr. Thomas Paine, the author
of the Rights of Man?

A. I was.

Q. Look at this book (*shewing it to the witness*) and tell
me whether you printed or published that work for Mr. Paine?

A. I printed it for Mr. Paine.

Q. It is the first part of the Rights of Man?

A. Yes.

Q. Had you, in the progress of publication, any communica-
tions with the author upon the subject?

A. I had.

(The Extracts from the First Part of the Rights of Man, read.)

[Vide Hardy's Trial, vol. ii. page 14.]

Mr. Garrow. Mr. Adams is not here, we will, if your Lordship pleases, read an entry *de bene esse*, from the books of the Constitutional Society of the 22d of July, 1791.

Mr. Tooke. My Lord, there is not a word they have proved that I am not ready to admit against myself; it will save a great deal of time, if they will lay before me that which they have still to bring, because I perceive their conduct is honourable. I was afraid, when I came into this Court, that there was perjury to be brought against me—I have been suspected to be a traitor, but I see nothing but what is honourable: let them shew me the paper, and I will admit every thing.

Lord Chief Justice Eyre. There is no objection to reading that extract, *de bene esse*, till Adams comes. I have repeatedly said, that I will not bind down the prisoner by any admissions.

Mr. Tooke. I beg pardon—I say it would be possible if the Jury were not very attentive, by hearing a great many things proved, to make them think that they were things of consequence, because they were proved; I would rather they should take them as admitted, and see what they are; for I am fearful they should believe, that it would be impossible for an Attorney and Solicitor General to waste hours and hours in proving those things which I am willing to admit; and that they will really think they have weight, when I know they have not.

Lord Chief Justice Eyre. At present nothing will be read but that which is in proof, and every thing in proof will be read: hitherto those proceedings have not been read, they have only been examined to for the purpose of identifying them, and shewing that they were real transactions of the persons who compose this Society—what they are, is to be seen when they are read; the question we were upon was, whether it was right or not, to read this one paper *de bene esse*, till Mr. Adams comes to prove it; to that extent I see no objection.

(The extract read.)

" At a Meeting held at the Secretary's house, Tooke's Court,
 ' Chancery Lane, Friday, 22d of July, 1791:

" PRESENT,

" Mr. Frost in the chair;

" Mr. Jeremiah Batley; Reverend Dr. Towers; Mr. Bonney;

" Mr. J. Adams; Mr. B. Cooper; Mr. I. L. Batley; Mr.

" Satchel; Mr. Bush; Mr. Paine; and Doctor Edwards.

" Resolved, That the original and translation of an Address,
 " communicated by the Reverend Dr. Towers, from the So-
 " ciety of Nantes, be entered in the books of this Society."

" *To the Friends of Liberty, assembled together at London on*
 " *the 14th of July, 1791, to celebrate the French Revolution.*

" The free Citizens from the banks of the Loire address
 " their testimonies of brotherhood and of good-will to the
 " noble sons of liberty who inhabit the happy shores of the
 " Thames.

" Whilst an impotent band of the factions are actively em-
 " ployed in the heart of France, and the proud Nobles are
 " carrying the poison of their calumny into foreign ports;
 " whilst the Priests are labouring to rekindle, by their pestilen-
 " tial breath, the extinguished torch of fanaticism; and the first
 " of our functionaries has given to the people the example of
 " disregarding his oath, our wishes and our sentiments lead us
 " towards you, generous strangers, who are engaged in cele-
 " brating the French Revolution—a happy presage of the re-
 " volution of the world! But why speak we of you as of
 " strangers! you are our friends, and our brethren: those only
 " are strangers to us who desert them, and who excite wars in
 " order to perpetuate their tyrannical dominion, and to rivet
 " the chains of nations. The decrees which have established

" the

" the French liberty have been like the trumpet sounding the
 " resurrection of the world: at our voice the nations have
 " raised their degraded fronts; tyrants have turned pale upon
 " their thrones; and, such is the probable effect of this great
 " Revolution, that in a short time nothing will be remaining
 " of them but the sorrowful and shameful remembrance of their
 " faults, and of their crimes. Let the great ultra Montane
 " Bramah excommunicate us; his impotent thunders will only
 " serve to enkindle the fires which in France consume his
 " effigy. We desire to live in the same communion with all
 " the friends of peace and of liberty; and the oppressors of the
 " people are, in our eyes, the only schismatics. With what in-
 " expressible pleasure have we seen your brave countrymen, our
 " happy precursors in the cause of liberty, who reside in France,
 " enrolling themselves under our standards, and augmenting the
 " number of the members who compose those Societies, formed
 " on the pure principles of citizenship, of which you were the
 " first institutors, and which are the unshaken column of our
 " sublime constitution. When a few years are elapsed, we
 " shall see the two first nations of the earth, England and France,
 " united together in a holy league, to avenge the human race of
 " those unpunished outrages which have disgraced it during so
 " many ages.

" Generous Britons, love us, and unite yourselves with us;
 " and the world will be free and happy.

(Signed) " FRANCIS, President.

" Nantes, July 5, " SAVENEAU, Ex-Sec.

" 1791 " HUGUES HARDORIN,

" Perpetual Secretary."

" To the Friends of the Constitution comprehending Three
 " Societies."

Mr. Thomas Chapman,

Cross-examined by *Mr. Tooke.*

Q. I know you are a very religious man, and that you often read in the Bible, I desire you to tell me whether you have never found in that book, which you venerate so much, expressions that you would not use before your family?

A. I do not know that there is any portion of scripture that I would not at all times read to my family.

Q. Do you not recollect expressions in that best of all books that you would not chuse to read before your wife and daughters, or suffer others to read?—I do not repeat them, because I dare swear the Bench, the Jury, and every man who ever read the Bible, will recollect certain expressions, which, for the sake of decency, he would not chuse to use before a family.—I do not chuse to mention them.

A. There are portions of scripture which in the estimation of men may be considered as indecent, but in my notion there is no part of God's word that has any indecent expression in it.

Q. But you would not chuse to read that part to your wife and daughters?

A. No, I should not appropriate those parts particularly.

Mr. Tooke. You have been called to prove Mr. Paine's books, and, out of a great deal, small portions of it have been read; and so you might read certain parts of the Bible——

Lord Chief Justice Eyre. That is not a proper subject to examine the witness to, it is observation upon the evidence, and certainly it is an observation that deserves attention; but it is observation.

Mr. Tooke. I thank your Lordship, that is not the sort of indulgence I protested against. If I have done wrong I beg your Lordship's pardon.

Lord Chief Justice Eyre. I only wished to set you right, without speaking with any asperity.

Mr. Tooke. I have been but forty years a student, when I shall come to be called to the bar I hope I shall know better.

John

John Thompson, (sworn)

Examined by Mr. Law.

Q. Are you a messenger?

A. I am clerk to a public-office at Whitechapel.

Q. Did you find this paper (*showing it to the witness*) amongst Mr. Tooke's papers at Wimbledon?

A. I did.

(It was read.)

" Address and declaration of a select meeting of the friends of
" universal peace and liberty. The following address and
" declaration to our fellow citizens was agreed on, and ordered
" to be published,

" FRIENDS AND FELLOW CITIZENS,

" At a moment like the present, when wilful misrepresenta-
" tions are industriously spread by the partisans of arbitrary
" power, and the advocates of passive obedience and court
" government, we think it incumbent upon us to declare to the
" world our principles and the motives of our conduct. We
" rejoice at the glorious event of the French Revolution. If it
" be asked, what is the French Revolution to us? we answer
" (as has been already answered in another place*) IT IS
" MUCH to us as men, much to us as Englishmen—as men
" who rejoice in the freedom of twenty-five millions of our
" fellow-beings; we rejoice in the prospect which such a mag-
" nificent example opens to the world; we congratulate the
" French nation for having laid the axe to the root of tyranny,
" and erecting a government on the *sacred hereditary rights of*
" *man*—rights which appertain to all, and not to any one more
" than to another. We know of no human authority superior
" to that of a whole nation; and we profess and proclaim it as
" our principle, that every nation has at all times an inherent
" indefeasible right to constitute and establish such Government
" for itself as best accords with its disposition, interest, and
" happiness,

* Declaration of the volunteers of Belfast.

" As Englishmen we also rejoice, because we are *immediately*
 " interested in the French Revolution; without enquiring into
 " the justice, on either side, of the reproachful charges of in-
 " trigue and ambition which the English and French Courts
 " have constantly made on each other: we confine ourselves to
 " this observation, that if the Court of France only was in
 " fault, and the numerous wars which have disturbed both
 " countries are chargeable to her alone, *that Court* now exists
 " no longer, and the cause and the consequence must cease to-
 " gether. The French, therefore, by the revolution they have
 " made, have conquered for us as well as for themselves, if it
 " be true that *THEIR* Court only was in fault, and ours never.

" On this state of the case, the French Revolution *immedi-*
 " *ately* concerns us. We are oppressed with a known national
 " debt, a burden of taxes, and an expensive administration of
 " Government, beyond those of any people in the world; we
 " have also a very numerous poor; and we hold that the moral
 " obligation of providing for old age, helpless infancy, and
 " poverty, is far superior to that of supplying the invented
 " wants of courtly extravagance, ambition, and intrigue. We
 " believe there is no instance to be produced, but in England,
 " of seven millions of inhabitants, which make but little more
 " than one million of families, paying yearly SEVENTEEN
 " MILLIONS of taxes. As it has always been held out by all
 " administrations that the restless ambition of the Court of
 " France rendered this expence necessary to us for our own
 " defence, we consequently rejoice, as men deeply interested in
 " the French Revolution, because it affords to us a substantial
 " ground for lessening the enormous load of *our own* burdens
 " and taxes: *that Court*, as we have already said, exists no
 " longer, and consequently the same enormous expences need
 " not continue to us.

" Thus rejoicing, as we sincerely do, both as men and Eng-
 " lishmen, as lovers of universal peace and freedom, and as
 " friends to our own national prosperity and a reduction of our
 " public expences, we cannot but express our astonishment
 " that any part, or any members of our own Government should

" reprog

“ reprobate the extinction of that *very power* of France, or wish
 “ to see it restored, to whose influence they formerly attributed
 “ (whilst they appeared to lament) the enormous increase of
 “ our own burdens and taxes : What then are they sorry that the
 “ pretence for new oppressive taxes, and the occasion for con-
 “ tinuing many old taxes, will be at an end? If so, and if it is
 “ the policy of Courts, and Court-Government, to prefer ene-
 “ mies to friends, and a system of war to that of peace, as af-
 “ fording more pretences for places, offices, pensions, revenue,
 “ and taxation, it is high time for the people of every nation
 “ to look with circumspection to their own interests. *Argument*

“ Those who *pay* the expence, and *not* those who *participate*
 “ in the emoluments arising from it, are the persons immediately
 “ interested in enquiries of this kind; we are a part of that na-
 “ tional body on whom this annual expence of seventeen mil-
 “ lions falls; and we consider the present opportunity of the
 “ French Revolution as a most happy one for lessening the enor-
 “ mous load under which this nation groans; if this be not
 “ done, we shall then have reason to conclude that the cry of
 “ intrigue and ambition against *other* Courts, is no more than
 “ the common cant of all Courts. We think it also necessary
 “ to express our astonishment that a Government, desirous of
 “ being *called* FREE, should *prefer* connections with the most
 “ despotic and arbitrary powers in Europe; we know of none
 “ more deserving this description than those of Turkey and
 “ Prussia, and the whole combination of German despots. Se-
 “ parated, as we happily are, by nature from the tumults of the
 “ continent, we reprobate all systems and intrigues, which sa-
 “ crifice (and that too at a great expence) the blessings of our
 “ natural situation; such systems cannot have a national
 “ origin.

“ If we are asked what Government is? we hold it to be no-
 “ thing more than a NATIONAL ASSOCIATION; and we hold
 “ that to be the best which secures to every man his rights,
 “ and promotes the greatest quantity of happiness with the *least*
 “ expence; we live to improve, or we live in vain; and there-
 “ fore we admit of no maxims of Government or policy, on
 “ the

" the mere score of antiquity, or other men's authority—the
 " *old* Whigs or the *new*. We will exercise the reason with
 " which we are endowed, or we possess it unworthily; as reason
 " is given at all times, it is for the purpose of being used at all
 " times.

" Among the blessings which the French Revolution has
 " produced to that nation, we enumerate the abolition of the
 " feudal system of injustice and tyranny, on the 4th of Au-
 " gust, 1789. Beneath the feudal system all Europe has long
 " groaned, and from it England is not yet free. Game laws,
 " borough tenures, and tyrannical monopolies, of numerous
 " kinds, still remain amongst us; but rejoicing, as we sincerely
 " do, in the freedom of others, till we shall happily accomplish
 " our own, we intended to commemorate this period to the uni-
 " versal extirpation of the feudal system, by meeting on the an-
 " niversary of that day (the 4th of August), at the Crown and
 " Anchor; from this meeting we were prevented by the inter-
 " ference of *certain unnamed and skulking persons*, with the
 " master of the tavern, who informed us, that, on their repre-
 " sentations, he could not receive us *there*. Let those who live
 " by, or countenance feudal oppressions, take the reproach of
 " this ineffectual meanness and cowardice to themselves; they
 " cannot stifle the public declaration of our honest, open, and
 " avowed opinions.

" These are our principles, and these our sentiments; they
 " embrace the interest and happiness of the great body of the
 " nation, of which we are a part. As to riots and tumults, let
 " those answer for them who, by wilful misrepresentation, en-
 " deavour to excite and promote them; or who seek to *stun* the
 " sense of the nation, and lose the great cause of public good, in
 " the outrages of a misinformed mob. We take our ground
 " on principles that require no such riotous aid; we have no-
 " thing to apprehend from the poor, for we are pleading their
 " cause, and we fear not proud oppression, for we have truth
 " on our side; we say, and we repeat it, that the French Re-
 " volution opens to the world an opportunity in which all good
 " citizens must rejoice, that, of promoting the general happiness

" of

" of man; and that it moreover offers to this Country, in particular, an opportunity of reducing our enormous, and enormously misapplied taxes.

" These are our objects, and we will pursue them."

Note. This meeting was understood to have been held on the 20th of August, 1791.

Mr. William Woodfall, called again.

Mr. Law. Look at those papers.

A. The whole of the first paper I believe to be *Mr. Tooke's* hand-writing; of the second the interlineations only.

Mr. Tooke. They are both mine. One is my writing, the other is, I believe, my daughter's, the interlineations only. The admission of that paper might easily be taken, for it was long ago published in the newspapers, signed with my name.

Lord Chief Justice Eyre. If any thing should turn upon the date of it, which they have not yet ascertained, the circumstance of its being published in the newspapers at a given time, may be proper to be produced as evidence on your part.

James Thornton (sworn)

Examined by *Mr. Bower*.

Q. Are you one of the King's Messengers?

A. I am Clerk at the Public Office in Marlborough-street; I found this paper in *Mr. Tooke's* house, at Wimbledon.

(*The paper was read.*)

" DEAR SIR,

" The Manchester Constitutional Society have requested me
" to abridge Paine, and to republish my propositions on Civil
" Government. Sharpe, I hear, is not in town; Paine is in
" France; and I do not know of any friend of his but your-
" self, to whom I can send my proposed abridgment for his opi-
" nion; indeed, I am, at any rate, desirous of your reading it;
" for although two or three friends, to whom I referred it, here,
" approve of it, I wish you, as a friend of Paine's, and of
" mine, would be kind enough to take care that Paine's repu-
" tation

" tation is not mangled by mangling his book. We are going
 " on very well here; our Constitutional Society meets nume-
 " rously, and with a proper spirit; and every possible exertion
 " is making by the Aristocracy against us, as you may see by the
 " protest, and by the necessity we are under of vindicating our
 " resolutions.

" Return me Paine, as soon as you can, that we may get it
 " out; and be kind enough to give me your opinion, whether
 " we (the Constitutional Society) should print it ourselves, or
 " undertake to order a certain number of copies, at what price,
 " certainly not to exceed one shilling; whether Jordan would feel
 " himself aggrieved, or Johnson, who offered to print it, if I
 " would abridge it; in short, in what way had we better do it?

" I hope your Address to the Electors of Westminster, and
 " your account of your speech, &c. before the Committee,
 " does not stand still. When do you go to France?

" Yours, very sincerely,

" T. COOPER.

Addressed, " John Horne

" Lever Hall, near Bolton,

" Tooke, Esq."

" Lancashire."

Mr. Tooke. I do not know what papers may have been taken
 from my house; but are letters written to me to be produced as
 evidence against me?

Lord Chief Justice Eyre. Being found in your possession,
 they undoubtedly are producible as evidence; but, as to the effect
 of them, very much will depend upon the circumstances of the
 contents of those letters, and whether answers to them can be
 traced, or whether any thing has been done upon them. A
 great number of papers may be found in a man's possession
 which will be, *prima facie*, evidence against him, but will be
 open to a variety of explanations; and it is always a very con-
 siderable explanation that nothing appears to have been done in
 consequence of the paper being sent to him. But all papers
 found in the possession of a man are, *prima facie*, evidence
 against him, if the contents of them have application to the
 subject under consideration,

Mr.

Mr. Tooke. The reason of my asking it is, I am very much afraid that, besides treason, I may be charged with blasphemy.

Lord Chief Justice Eyre. You are not tried for that.

Mr. Tooke. It is notorious I do not answer common letters of civility, but I have received and kept many curious letters. I received some letters from a man whose name is Oliver Overall, and he endeavoured to prove to me that he was God the Father, Son, and Holy Ghost. (I kept the letters out of curiosity, and it is probable they may be produced against me.) He proved it from the Old Testament; in the first place that he was God the Father, because God is *Over-all*; that is, God over all. He proved he was God the Son, from the New Testament—verily, verily, I am he; that is, *Veral I, Veral I*, I am he. Now, if these letters, written to me, which I, from curiosity, have preserved, but upon which I have taken no step, and to which I have given no answer, are produced against me, I do not know what may become of me.

Lord Chief Justice Eyre. If you can treat all the letters that have been found upon you with as much success as you have these letters of your correspondent, you will have no great reason for apprehension.

Mr. Tooke. I have several such letters, that I have kept for their curiosity.

Lord Chief Justice Eyre. At present they cannot come in charge against you.

John Thompson,—called again.

Mr. Law. Was that letter (*shewing it to the witness*) found by you?

A. Yes, in Mr. Horne Tooke's house, at Wimbledon.

(*It was read.*)

" DEAR SIR,

" *Manchester, August 29, 1791.*

" I thank you for the paper you sent me; I approve much of the letter in it with your signature, and would gladly propagate it, if I could, but I cannot.

" Your

“ Your letter found me, at Mr. Walker’s, confined by illness,
 “ to my bed; and, not being able to apply to the Printer myself,
 “ I desired Walker to send the paper, with our compliments,
 “ and that we requested the letter, signed I. H. T. might be
 “ inserted in the next Manchester newspaper; the answer re-
 “ turned was, that it could not be done that week, nor perhaps
 “ the next, but he would see about it; yesterday he sent a note,
 “ of which the following is a copy: ”

“ When C. Wheeler gave Mr. Walker his reasons for wish-
 “ ing to decline the insertion of the Belfast declaration, he
 “ thought they would have equally applied to any other produc-
 “ tion of the same nature; this, he finds, is not the case, as Mr.
 “ Walker has sent Mr. Tooke’s address, abounding with ex-
 “ ceptionable remarks for publication; remarks which have a
 “ right to subject both the writer and the publisher to a prosecu-
 “ tion; it may be said that Government will not prosecute for
 “ such publications; that does not lessen the *folly* of the publisher,
 “ in running a risk which, it is his *duty*, as a member of so-
 “ ciety, to avoid. ”

“ Independent of these reasons, C. Wheeler presumes he may
 “ have some claim to acting from *principle*; and he cannot but
 “ declare, that he would wish, *in future*, to avoid publishing
 “ what may hold out improper ideas to the public at large, who
 “ seldom *think* much before they *act*; of this there is a recent
 “ and melancholy instance. ”

“ C. Wheeler is obliged to trouble Mr. Walker; and it seems
 “ fair, in his own vindication; but he cannot help observing,
 “ that it is with extreme regret he is now, or may be at a future
 “ time, obliged to recede from any service which Mr. Walker
 “ may wish him to perform together. ”

“ In Manchester there are two papers, published weekly; one
 “ of them most decidedly and virulently aristocratic, the other
 “ (C. Wheeler’s) generally moderate, and rather in our favour
 “ than adverse; but you see that now we are decidedly excluded
 “ from that, not only on the occasion of your address, but on
 “ every other future political subject. We shall therefore im-
 “ mediately set up a paper among ourselves, which I have for-

“ merly

"merly mentioned to you, and which we have not hitherto done,
"because we thought that Wheeler would have no objection,
"on being paid, to insert what we thought fit.

"Can you lend us any, and what assistance, in point of com-
"munications, to such a paper; it will *at first* be gently, but
"always decidedly democratic, nor pestered with so much pres-
"byterian nonsense.—Can you give us any hints about it; we
"have already spoken to Sharpe, who has been down here; but
"Wheeler's answer came after his departure.

"I wrote to you about an intended abridgment of Paine;
"you sent me no answer of any kind; I wish you had, because
"I had a formal request from our Society here to publish. The
"preface I sent you with it; if you have—burn.

"I am, Dear Sir, yours sincerely,

"THOMAS COOPER.

"Direct to me to Lever Hall, near Bolton, Lancashire."

Addressed "I. Horne Tooke, Esq. Richmond Buildings, Soho,
"London."

Mr. William Woodfall called again.

Mr. Law. Look at the interlineations on that paper, and say
whose hand writing you believe them to be?

A. This paper was shewn me upon a late occasion, I believe.
The interlineations are very few—in the first page the word
"incapacitated"—the word "whose;" and, in the second page,
the words "and every," and four lines and a piece are added to
it, which, I believe, are Mr. Tooke's hand-writing; the rest of
the paper certainly is not Mr. Tooke's hand-writing.

Mr. John Gurnell (sworn.)

Examined by *Mr. Law.*

Q. Look at that paper, which is marked, I believe, with
your name?

A. It is, I seized this in Mr. Hardy's house.

(It was read.)

[*Vide Hardy's Trial*, vol. i. page 201.]

The following Extract from the Book of the Constitutional Society was read:—

"At a Meeting, held on Friday, the 9th of March, 1792, at the Secretary's, Tooke's-court, Chancery-lane.

"PRESENT,

"Richard Sharpe, Esq. in the chair,

"Dr. Edwards, Mr. M. Bush, Mr. Favell, Captain Tooke

"Harwood, Mr. I. Adams, Mr. I. L. Batley, Mr. A. Bush,

"Mr. Hollis, Mr. Frost, Mr. I. H. Tooke;—

"Joel Barlow, Esq; author of *Advice to the Privileged Orders*, was proposed as an honorary member by Mr. Tooke, and seconded by Mr. Sharpe.

"James Mackintosh, Esq; author of *Vindiciæ Gallicæ*, was proposed as an honorary member by Mr. Tooke, and seconded by Mr. Sharpe."

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

Lord Chief Justice Eyre. What account has been given of this letter? What does Adams say of it?

Mr. Bower. We have not examined Mr. Adams to it.

Mr. Erskine. You must examine Adams to it, before you can read it.

Mr. Attorney General. It is the letter which includes the resolutions from Sheffield, that have been read, with Mr. Tooke's hand-writing in them.

Lord Chief Justice Eyre. That has not been read yet; there was not that circumstance to introduce it. Do you mean to prove, that any paper, found in Adams's possession, has the hand-writing of the prisoner on it?

Mr. Attorney General. Yes. This is a paper relative to the Constitutional Society at Sheffield, which was found in the hands of the Secretary of the Constitutional Society in London, he being also a member of that Constitutional Society.

Mr.

Mr. Erskine. Adams is not a member of the Constitutional Society.

Mr. Bower. He said he had been Secretary for many years.

Mr. Attorney General. It was found in his custody, and it stands precisely upon the same principle as every particle of evidence out of the Constitutional Society, that was admitted on the former trial, after Hardy became an associated member.

Lord Chief Justice Eyre. It certainly does; but it has been thought necessary to-day to call Adams to substantiate the entries which were to be read from the book, and it seems to me to be proper that he should be now called to explain what this is.

Mr. Attorney General. This is a case in which the paper is found in the possession of Mr. Adams—that fact is proved—it has already been proved, that he was Secretary to the Society for Constitutional Information—it has already been proved, that Adams was present every week, from 1792, down to May 1794; and it has been proved, with a very few exceptions, that Mr. Tooke was likewise present at every one of those nights; and Adams is the person in whose possession the books of that Society were.

Mr. Erskine. If this is to be at all insisted upon, I shall usher myself in to the attention of your Lordship, with the same apology that I made before, namely, that my client does consider, very much to his honour, that there are interests of others at stake, as well as his own. I do profess, once more, I conceive it to be totally immaterial to me, and as little to my client, whether this letter is read or no.

Mr. Attorney General. This is not the time to address the Jury on the effect of the evidence.

Mr. Erskine. I am speaking to the Court, not looking to the Jury, nor aiming at the Jury—the interruption, therefore, is irregular.

Mr. Attorney General. I stated the ground upon which I thought this to be evidence; I did not state any opinion of mine as to what I thought to be the effect of it, because in

stating the principles upon which I thought it might be evidence, I have no right to address even to the Court what I think will be the effect of that paper in evidence.

Mr. Erskine. It is not very usual to expect that a Counsel, who is to argue any thing, is just to fall into the idea in the contemplation of the Counsel who is to argue on the other side. Certainly I have a right to state why I do take this objection. It is an objection that can at once be cured by calling Adams. I apprehend it is not my fault that I am now upon my legs to argue it, because, if I understand what I am about, this point has been determined by your Lordship to-night before. This paper either contains something which is to criminate the prisoner, or the contrary; if it does not, it is not relevant to the cause, and therefore not admissible.

If it be matter relevant to the cause, which it only can be, if it contains criminatory matter against the prisoner, it must be brought home to him; and I once more, therefore, do beg to remind your Lordships of the judgment pronounced by all the Judges upon the trial of Warren Hastings, which your Lordship most undoubtedly did confirm upon what I had the honour to say before, as far as my argument went, and after I had addressed the Court some time, it turned out that we were at cross purposes in fact, for if the Court had conceived I was asking no more than I was asking, I should not have been permitted to have spoken. I was then denying the admissibility of just the same sort of evidence as that which is now offered.

Then, if I am capable of comprehending any thing, we are exactly in the same condition as we were in some hours ago, when I contended that it was necessary, in the first instance, to call Adams for this purpose, to say when he received this paper, whether he had any reason to believe that it was read at any meeting; if read at any meeting, whether it was read at any meeting at which Mr. Tooke's name even appears in the book; if at any meeting where his name appears in the book, whether he has reason to believe that Mr. Tooke was present; for, in the instance, and the most material instance, where that overt-act is charged upon this record, namely, that Mr. Tooke was a member

member of the Committee of Co-operation, though his name appears upon the book; upon that occasion Adams has proved in point of fact, that he was not present. Then it may happen that either this letter was not read at all where he appears by the book to be present, or if he appears by the book to be present, that he was not actually present.

The Attorney General, however, has said that this letter is somehow connected with some other matters of the Sheffield Society, where Mr. Tooke's name appears; how do we know, till it is read, what it is evidence of. I do not admit what it is about, nor can the Attorney General tell your Lordship *non constat* that Mr. Tooke had any thing to do with Sheffield. My view in objecting to this is, that your Lordship should not hear it stated or read till it is made out by the ordinary rules of law, applicable both to criminal and civil justice, to be connected with the prisoner. I am sorry to take up the time of the Court; I have shewn myself exceedingly slow to it, but when my client desires I should do this, though for reasons given before, I do not myself think it at all of any weight in the cause, I hope the Attorney General will not think we mean to offer any irregular opposition, we only wish to have the fair, ordinary, impartial administration of justice, and I impute the contrary to no man.

Mr. Gibbs. My Lord, this letter, the contents of which I know not, is offered in evidence against Mr. Tooke, with a view to affect him with its contents; and the ground upon which it is offered in evidence to your Lordship is this—that it is found in the custody of a Mr. Adams, who is the Secretary of a Society to which it is proved that Mr. Tooke belonged. Now common reason tells one that a third person who is not proved to have seen this letter; who is not proved to have been present when it was received; who is not proved ever to have known that it was in the custody of Adams; common reason and common justice tell one that that third person ought not to be affected with the contents of a paper so found.

Then let us see whether the rules of law do not fall in with that which common reason and common justice require—how can

Mr. Tooke ultimately be affected with this paper? Only by proving that he at least knew the contents of it; at least knew that it was in the possession of Adams. Adams is here, he is the person in whose custody the paper is found, he may be questioned by the Counsel for the Crown, whether Mr. Tooke did know that this paper was in his possession, and whether Mr. Tooke did know the contents of it—then can any man say that the simple production of this paper, found only in the custody of Mr. Adams, is the best evidence that the nature of this case admits, for the purpose of affecting Mr. Tooke with it? Can Mr. Tooke be affected with this letter by any other means than by shewing that being found in the custody of Adams, it was there with the knowledge of Mr. Tooke, and Mr. Tooke either acted upon it, or knew the contents of it. Is the production of the paper, and the proof that it was found in Adams's custody, evidence of that fact? I do not admit that it is any evidence at all, but is it so good evidence as the testimony of Mr. Adams himself, who is now in Court, and who may either affirm or deny that proposition which alone can affect Mr. Tooke—the proposition that he did, or not, know that this letter was in his custody.

Now not only the reason and justice of the case, not only the rule of law that requires that where better evidence can be given, worse shall not be received—not only those two rules fall in with what we are contending for, but I apprehend your Lordships in the decision you came to in Mr. Hastings's case, have expressly decided this point; I may be misinformed upon that subject, but I understand that the principle which decided in that case was, that where it was meant to affect the accused person with the contents of a paper, that those contents should not be read until it was proved that they did in some respect affect the prisoner.—That I understand to be the question that arose upon the letter from Munny Begum, which was found in Mr. Hastings's own custody. There was not there a Mr. Adams who could be brought forward to say whether the prisoner had, or not, a knowledge of the letter; but there it was decided that until the prosecutor had proved that that letter was brought

brought home to the knowledge of the prisoner, that he had acted upon it, or knew its contents, that it could not be given in evidence, yet that it might be admissible evidence when that was proved. The argument was, we will first read a paper, then we shall affect Mr. Hastings with it afterwards. No, say the Judges, you shall not give that in evidence which may have some effect to prejudice the Judges, by saying you propose to fix it upon the prisoner afterwards, which possibly you cannot. So here a letter, merely found in the custody of Adams, without proving that Mr. Tooke knew it was in his custody, or the contents of it, we submit is not to be received. We insist here, as Counsel for Mr. Tooke, that you must first bring the contents of this letter home to him before you can read it, as the Counsel for Mr. Hastings contended that the Managers for the Commons must fix Mr. Hastings with knowledge of the contents of the letter from Munny Begum before they could be permitted to read it. Upon that ground—upon the ground I before stated, that it is not (if it be any evidence) the best evidence the nature of the case admits of here, we submit that this letter cannot be received in evidence until Adams is called, and upon his oath brings this letter home to the prisoner.

Mr. Erskine. This letter is not directed to Mr. Adams in the character of Secretary of this Society, but it is a letter signed by Ashton, at Sheffield, and directed only “to Mr. Adams, “Tooke’s-court, Chancery-lane”—without desiring him to lay it before the Society, or even addressing him in the character of Secretary.

Lord Chief Justice Eyre. My difficulty arose from the mere circumstance of Mr. Adams having been in Court, all along having been examined to a great number of other particulars, and consequently being able to give a more satisfactory account of this paper, than laying it before the Jury upon the mere evidence of the paper having been found in his possession. Surely the former determination of to-day does not touch this case, because that determination was upon the evidence of the mere finding of these books upon a Mr. Adams, before any

evidence was given that Adams had any connection either with the prisoner in particular, or with that Society in general, whose proceedings they purported to be, and I was of opinion that that was not sufficient evidence to be let in as proof that they had any thing to do with a Society of the name of the Society for Constitutional Information, still less with the prisoner.

If the Attorney General insists upon this going to the Jury upon the mere circumstance of being found upon Adams, I think it must go to the Jury, but it will go to the Jury in so mutilated a way, that there will be no evidence to bring it home to the prisoner at the bar; but it would be upon the ground on which a multitude of papers were admitted in the last cause, and must necessarily be in all cases of this nature, where there is a general conspiracy charged, in which there are a great number of agents: all that which proves the transactions of any of those agents becomes general evidence in the cause with respect to the general nature of the conspiracy, leaving the particular part which belongs to the prisoner to be proved by direct evidence applicable to him. I thought it would have been the better way to have asked Adams the question that has been suggested.

Mr. Attorney General. I would not have insisted on it upon any other ground than this, that conceiving it evidence, I do not think I am at liberty to sacrifice the great principles of the rules of law, however useful it may be to go beyond them in a particular case.

Lord Chief Justice Eyre. I thank you for calling us back to our rules, for certainly we ought not to forget in this cause what we did in the last.

Mr. Law. The point to which my friends have alluded, that occurred on the trial of Mr. Hastings, was a mere question of law—whether a person transmitting *ex officio* some papers respecting a charge of Nuncomar, made behind the back of Mr. Hastings, when he dissolved the Council, and went away—whether those papers were evidence of the fact.

Lord Chief Justice Eyre. There was nothing in that case but the mere personal charge against Mr. Hastings; there was no

conspiracy in which other persons were or could be implicated.

Mr. Justice Lawrence. In Lord Strafford's case, a great deal was proved against Lord Strafford in Spain, the Low Countries, Italy, and various other places; and in Lord Lovat's case a great deal was proved against him that was done in various places, and unless ultimately brought and fixed upon him it amounted to nothing.

(*The letter was read.*)

[*Vide Hardy's Trial*, vol. iii. page 377.]

Mr. Attorney General. In this letter from Ashton to Adams, we propose to prove that there is Mr. Tooke's hand-writing.

Lord Chief Justice Eyre. We are come now to a time of night, and the cause is in such a stage, as I think makes it absolutely necessary for the Court now to come to some resolution as to its future proceedings. I observed that the prisoner at the bar did early in the morning expressly protest against any adjournment, and it undoubtedly is a point in which he is materially interested, and in which the Crown is also materially interested. Before the Court do come to any definitive resolution upon it, they are ready to hear any thing that on either side it may be thought fit to offer to them upon the subject.

Mr. Attorney General. On the part of the prosecution I wish to submit entirely to the justice and pleasure of the Court acting according to what they think to be law and justice upon the subject. It is my duty to apprize the Court, and those concerned on the other side, that the evidence I have to offer upon the part of the prosecution must consume a great deal of time—I am myself ready to execute my duty in any way the Court may think proper.

Mr. Tooke. As far as relates to myself, I confess that what I said when first I entered the Court still impresses my mind, not that it affects me, but upon my honour, without any personal consideration whatever, I do think the criminal law and practice of the land exceedingly concerned in what has passed,

but, at the same time, the kindness, the indulgence I have met with—because in that way I accept of indulgence, and nobody feels it more sensibly than I do—I leave it entirely to the Court, who must be better able to judge than I am of that which is fit for the subjects of this land. I beg your Lordship to be persuaded, that whatever you wish me to ask—I do not say what you recommend, because I am persuaded you will not recommend—but I beg your Lordship to believe that I ask that which you wish me to ask, because I know you will not call upon me to *consent*; for the laws of the land can never be got rid of by the consent of a poor miserable prisoner, who perhaps trembles for his life, and yields to whatever he guesses would be recommended by the Court.—And I repeat to the Court, that I beg to be understood to ask that which they would wish me to ask.

Lord Chief Justice Eyre. Nothing can be more correct than the conduct of the prisoner at the bar: this subject of adjournment has undergone a great deal of our anxious consideration since it was first started, and since we saw the infinite magnitude and extent of the cause which was to be tried. There can be no doubt but that the general rule is, that, in these criminal proceedings more especially, there ought, if possible, to be no adjournment; the proceedings should go on without intermission, and particularly that the Jury should not be separated, and that there should be no access to them until they have given their verdict. I do not know that it ever underwent a solemn consideration, except in one case, the case of Lord Delamere: that was a particular case, because it was before Lords Triers, and not in full Parliament. The difficulty was whether the trial could be adjourned, and what was to be done with the Lords Triers. The Judges of the common law, who attended, were consulted upon it; they delivered it in as their opinion, that in the Courts below, the Jury, when once charged, were not to be discharged till they had pronounced their verdict; that they were not to separate; and that the course was to go on without intermission. They did not presume to say what the rule was in Parliament: they referred to a general usage in the Courts of common law (not respecting trials in capital cases in

particular—not even respecting trials in criminal cases, but respecting all trials, taking it upon the general principle), that a Jury once charged are not to be separated till they have pronounced their verdict.

Upon the authority of that case, and upon the practice, it undoubtedly is so far established, that there never ought to be an adjournment or a separation, in any degree, of the Jury, if it can be avoided; but there may arise a necessity so urgent that all those principles of justice, which originally demanded that there should be no adjournment, would loudly call for an adjournment; because the true principle upon which it is required that there should be no adjournment, is for the furtherance of justice, that it may be quite sure that justice will be done, both to the Crown and to the prisoner; that there should be no opportunity of having intercourse with the Jury, and that there may be no improper influence upon the minds of those who are in any manner to take a part in the decision of the cause. That is the general ground upon which this rule has been established. But let a case arise in which it is manifest that if the cause goes on, without interruption or adjournment, it is utterly impossible that justice should be done; if it is likely to go into a length which will exhaust the human faculties, let them be as powerful and as strong as they may be; that neither the Judge can preserve his faculties to conduct the trial, nor the Jury can preserve that attention which is necessary to enable them to comprehend what the justice of the case is: what is it we should be doing, by going on with such a trial, but delivering over the life and honour of a prisoner, and delivering over the public justice of the country, to the accidental result of all that confusion with which such a case must go to the minds of a Jury when the trial is closed.

Supposing that it was possible for human exertions to enable us to get to that length, there are then many other considerations of extreme importance. What if any of the Jury should be so totally disabled, in consequence of the fatigue and want of necessary refreshment, that they cannot proceed, that they might even die before they could pronounce their verdict! We have

had an intimation that two hundred hours were spent in the discussion of the last case of this sort; I know what it was to sustain the fatigue of eight days attendance, with the intervals that we had. My own case is a small consideration, because my individual loss would have been exceedingly well supplied by my Lord and my brothers; but what if, instead of my being destroyed, it had happened that one of the Jury had been! the consequence would have been, the prisoner must have had all this trial to undergo again, after all the evidence had been closed; and after all, those evils would necessarily have arisen, which it was the object of refusing an adjournment to guard against.

It does appear to me, therefore, if we suppose the necessity to be well established, that it is of so powerful a nature as to controul the general rule and the general practice. Now how urgent that necessity is, we may learn from what did happen in the last cause, and from what we now see must happen in this cause. It does appear to me that there is not any chance of our going through this trial, either with justice to the public or with justice to the prisoner, and without manifest hazard to the prisoner, in case it should happen that a Jurymen should sink under the fatigue; and that the ends of justice, and a due concern for the safety of the prisoner, does, in truth, oblige us to direct that an adjournment should be made, and to go on as closely and diligently as we can, with such an interval of refreshment and rest as may enable us to come to the end of this cause with some tolerable ability to comprehend what the cause is. I will not put the prisoner to ask any thing—if an advantage may arise to him, let him have the benefit of it—my own idea is, that, without asking the consent of either the prosecutor or the prisoner, the Court is bound to take upon itself the responsibility that does belong to directing an adjournment in a case so circumstanced, and that the Court ought to do it, taking the consequences, whatever they may be.

Lord Chief Baron Macdonald. Since the last trial I have revolved this subject very much in my own mind; and it seems to me, that when we come to consider what is the rule, it will resolve itself into this sort of consideration—The object of the rule

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rule that the Jury shall not go out of Court is, that they shall be inaccessible; the method in which that has been secured is, by their not going out of Court: that is the manner in which the substance of the principle has been obtained. But if you can preserve the spirit, and are forced by physical necessity to make the form bend, it does not seem to me that the sacred principle of law is materially trespassed upon if the Jury continue inaccessible. And it does not absolutely require that all the constituent members of the Court—in which I include the Counsel on both sides, who are to set forth their case; the Jury, who are ultimately to determine the fact; the Judges, who are to see that the law is declared on both sides, and with especial care on the side of the prisoner—if the rule of law cannot be preserved, consistent with physical necessity, it seems to me the Court is justified in deviating from the particular mode that has obtained, taking care that the Jury do continue inaccessible.

Now, for example, were the prisoner's case to come forth at this moment, I confess myself, for one, after fourteen hours close attention, to be utterly incapable of doing my duty towards him. I think his interest is especially concerned in it; and the rather, because his case comes after the attention of both the Bench and the Jury is exhausted; he would come with peculiar disadvantage, if, when we were worn out beyond what our power and strength can bear, we were to be called upon to consider his case.

Upon these considerations, which have weighed much with me, added to what my Lord Chief Justice has said, it seems to me, the thing is perfectly in its right train, that the prisoner should have no concern in the matter at all, but that he should leave the deviation from the manner in which the inaccessibility of the Jury has constantly hitherto been preserved, to the Court, who are driven to that deviation by absolute necessity. There has been a case where this has occurred—the case of Elizabeth Canning; and there, where physical necessity forced an adjournment, there it was complied with: but, except in the case of physical necessity or impossibility, undoubtedly the rule ought to be observed.

Mr.

Mr. Tooke. In order too meet your Lordship here to-day at eight o'clock, I was compelled to get up at between three and four; and that will be my case every day. I labour under a very painful infirmity, and I must be up four or five hours before I can come here.

Lord Chief Justice Eyre. What can we do for you?

Mr. Tooke. If I go from hence, and am to attend very early, I shall have no time for sleep.

Lord Chief Justice Eyre. What I purposed was to meet at nine in the morning, and sit till nine at night punctually, with an interval of one quarter of an hour only to take refreshment.

Mr. Tooke. I will do the utmost in my power.

Lord Chief Justice Eyre. We shall not press you, Mr. Tooke, if your infirmities should require our waiting a little for you.

Mr. Tooke. I will endeavour not to suffer your Lordships to wait.

Adjourned, it now being half past ten o'clock at night, to to-morrow morning, nine o'clock.

SESSION HOUSE IN THE OLD BAILEY.

Tuesday, November the 18th.

PRESENT,

Lord Chief Justice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Justice GROSE;
Mr. Justice LAWRENCE;
And others, his Majesty's Justices, &c.

John Horne Tooke set to the bar.

Mr. Thomas Maclean called again.

Mr. Bower. Look at that paper—Where did you find it?

A. I found it in the possession of Mr. Adams.

Mr. Bower. This is a letter from the Society for Constitutional Information, at Sheffield, to Mr. Adams. Mr. Woodfall will prove, when he comes, that some interlineations are Mr. Tooke's hand-writing: we will read the letter in the mean time.

(It was read.)

[Vide Hardy's Trial. Vol. 3, page 379.]

Mr. William Woodfall called again.

Mr. Bower. Look at the words that are interlined in this letter.

A. In the first page there is a word struck out; I believe "Government", but it is so obliterated that it is not easily discernable, and the word "Country" inserted.

Q. In whose hand-writing?

A. I believe Mr. Tooke's.

Mr. Tooke. It is certainly mine.

Mr.

Mr. Bower. The alteration in Mr. Tooke's hand-writing is in two places; "*a radical Reform of the Country,*" instead of "*a radical Reform of the Government.*" We are now going to read an entry from the book of the Constitutional Society of the 16th of March, 1792.

(*It was read.*)

" At a meeting held at the Secretary's, Tooke's-court,
" Chancery-lane, Friday, 16th of March, 1792,

" PRESENT,

" L. H. Tooke, Esq; in the Chair,

" Mr. Paine, Mr. Hull, Mr. I. Adams, Mr. Sharpe, Mr.
" Frost, Capt. Tooke Harwood, Mr. M. Bush, Mr. A.
" Bush, Mr. G. Lloyd, Rev. Dr. Towers.

" James Mackintosh and Joel Barlow, Esqrs. were unani-
" mously elected honorary members."

" Ordered, that the Secretary do inform James Mackintosh
" Esq; author of *Vidiciæ Gallicæ*, that he has been this day
" unanimously elected an honorary member of this Society."

" Ordered, that the Secretary do inform Joel Barlow, Esq;
" author of the *Advice to Privileged Orders*, that he has been
" this day unanimously elected an honorary member of this So-
" ciety."

" The Chairman of the Society for Constitutional Informa-
" tion, established at Manchester, having communicated to this
" Society the following resolutions :

" *Bull's Head Inn, Manchester, March 13, 1792.*

" At a meeting of the Manchester Constitutional Society,
" held this day, it was unanimously resolved,

" That the thanks of this Society are due to Mr. Thomas
" Paine, for the publication of his "*Second Part of the Rights
" of Man, combining principle and practice;*" a work of the
" highest importance to every nation under heaven, but parti-
" cularly to this, as containing excellent and practicable plans
" for an immediate and considerable reduction of the public ex-
" penditure; for the prevention of wars; for the extension of
" our

" our manufactures and commerce; for the education of the
" young; for the comfortable support of the aged; for the better
" maintenance of the poor of every description; and, finally,
" for lessening greatly, and without delay, the enormous load of
" taxes under which this Country, at present, labours.

" That this Society congratulate their Country at large on the
" influence which Mr. Paine's publications appear to have had in
" procuring the repeal of some oppressive taxes in the present
" Session of Parliament; and they hope that this adoption of a
" small part of Mr. Paine's *ideas will be followed by the most*
" *strenuous exertions to accomplish a complete Reform in the pre-*
" *sent inadequate state of the representation of the people;* and
" that the other great plans of public benefit, which Mr. Paine
" has so powerfully recommended, will be speedily carried into
" effect.

(Signed)

" THOMAS WALKER, President.

" SAMUEL JACKSON, Secretary."

" Ordered, that the Secretary do return, to the Chairman of
" the Society at Manchester, the thanks of this Society for his
" communication; at the same time assuring him that this So-
" ciety does heartily concur in the above resolutions."

" Resolved, that the above resolutions be published twice in
" the following papers; Times, Post, Chronicle, World, Ar-
" gus, English Chronicle, and General Evening; and signed by
" the Chairman."

Mr. Bower. We will now shew that the minutes of those
proceedings are in Mr. Tooke's hand-writing; Mr. Tooke was
that day in the chair.

Mr. Woodfall. I believe this is all the hand-writing of Mr.
Tooke, except the identification.

Mr. Tooke. They are all in my hand-writing.

(*The rough draft of the minutes was read.*)

Mr. Bower. We will now read the proceedings of the 23^d
of March, 1792. Mr. Woodfall, do you know whose hand-
writing that is?

A. This

A. This is the paper I proved last night.

Lord Chief Justice Eyre. Does the paper, which is wafered to the book, contain the same resolutions as are entered in the book, or are these the resolutions themselves?

Mr. Attorney General. The wafered paper, which is a printed paper, has an introduction in the hand-writing of Mr. Tooke.

Mr. Gibbs. I think that was not found wafered.

Mr. Attorney General. Yes, it was; but it was broke off by the witness last night.

(*It was read.*)

“ At a meeting held at the Secretary’s house, Tooke’s-court,
“ Chancery-lane, Friday, 23d of March, 1792,

“ PRESENT,

“ Capt. W. Tooke Harwood, in the Chair,

“ Mr. I. H. Tooke, Mr. Merry, Mr. I. L. Batley, Mr. Bush,

“ Mr. Aspinal, Mr. Bonney, Mr. I. Adams, Dr. Edwards,

“ Mr. A. Bush, Mr. Sharpe, Mr. Lloyd.

“ This Society having received the following and other communications from Sheffield (*in writing*), “ Sheffield Society
“ for Constitutional Information,” (*in print*) “ March 14,
“ 1792.” (*in writing.*)”

“ This Society, composed chiefly of the manufacturers of
“ Sheffield, began about four months ago, and is already increased to nearly two thousand members, and is daily increasing, exclusive of the adjacent towns and villages, who are
“ forming themselves into similar Societies.

“ Considering, as we do, that the want of knowledge and information in the general mass of the people, has exposed them
“ to numberless impositions and abuses, the exertions of this
“ Society are directed to the acquirement of useful knowledge,
“ and to spread the same as far as our endeavours and abilities can
“ extend.

“ We declare that we have derived more true knowledge
“ from the two works of Mr. Thomas Paine, entitled Rights of

“ Man,

" Man, part the first and second, than from any other author on the subject. The practice as well as the principle of Government is laid down in those works in a manner so clear and irresistibly convincing, that this Society do hereby resolve to give their thanks to Mr. Paine for his two said publications, entitled " Rights of Man," parts 1st and 2d." Also

" Resolved unanimously, that the thanks of this Society be given to Mr. Paine for the affectionate concern he has shewn in his second work in behalf of the poor, the infant, and the aged, who, notwithstanding the opulence which blesses other parts of the community, are, by the grievous weight of taxes, rendered the miserable victims of poverty and wretchedness."

" Resolved unanimously, that the thanks of this Society be given to John Horne Tooke, Esq; for his meritorious support of our lawful privileges, as a firm advocate of our natural and just rights, the establishment of an equal representation of the people."

" Resolved unanimously, that this Society disdaining to be considered either of a Ministerial or an Opposition Party, (names of which we are tired, having been so often deceived by both) do ardently recommend it to all their fellow citizens, into whose hands these resolutions may come, to confer seriously and calmly with each other on the subject alluded to; and to manifest to the world that the spirit of true liberty is a spirit of order; and that to obtain justice, it is consistent that we be just ourselves."

" Resolved unanimously, that these resolutions be printed, and that a copy thereof be transmitted to the Society for Constitutional Information in London, requesting their approbation for twelve of our friends to be entered into the Society, for the purpose of establishing a connection, and a regular communication with that and all other similar Societies in the kingdom."

" By order of the Committee,

" DAVID MARTIN, Chairman."

Note. The following resolutions were in writing.

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" Or-

" Ordered, That the Secretary do return the thanks of this Society to the Society for Constitutional Information, established at Sheffield; and that he express to them with what friendship and affection this Society embraces them as brothers, and fellow labourers in the same cause. That he do assure them of our intire concurrence with their opinion, viz. That the people of this Country are not, as Mr. Burke terms them, SWINE; but rational beings, better qualified to separate truth from error than himself, possessing more honesty, and less craft."

" Resolved, That this Society will, on Friday next, March 30th, ballot for the twelve associated members, recommended by the Sheffield Committee, and approved at this meeting."

" W. TOOKE HARWOOD,
" Chairman."

" At a meeting held at the Secretary's house, No. 4, Tooke's-court, Chancery-lane, Friday, 30th of March, 1792.

" PRESENT,

" Major Cartwright, in the chair.

" Mr. I. L. Batley, Mr. Jeremiah Batley, Mr. I. H. Tooke,
" Mr. I. Adams, Mr. West, Dr. Edwards, Mr. Favell,
" Mr. Tuffin, Mr. Hollis, Mr. Buth, Mr. A. Buth, Mr.
" Paine, Mr. Aspinall, Mr. Hull, Mr. Lockhart, Mr. Joel
" Barlow, Mr. T. Harwood, Colonel Bosville, Mr. Frost.

" Ordered, That the Secretary do inform the Secretary of the Constitutional Society at Sheffield, of the election of twelve of their members, as associated members of this Society."

" Read a letter with inclosed resolutions from Mr. Thomas Hardy, Secretary to the Corresponding Society, London.

" Ordered, That the Secretary do acknowledge the receipt of the said papers."

" Ordered, That the following resolutions from the above Society be published in the papers."

" Ordered, That the following resolutions of this Society be published with them."

" The

" The Society having this day received the following communication, *videlicet*.

" London Corresponding Society.

" Resolved, That every individual has a right to share in the Government of that Society of which he is a member, unless incapacitated."

" Resolved, That nothing but non-age, a privation of reason, or an offence against the general rules of society can incapacitate him."

" Resolved, That it is no less the right than the duty of every citizen to keep a watchful eye on the Government of his Country, that the laws by being multiplied do not degenerate into oppression; and that those who are intrusted with the Government, do not substitute private interest for public advantage."

" Resolved, That the people of Great-Britain are not properly represented in Parliament."

" Resolved, That in consequence of a partial, unequal, and inadequate representation, together with the corrupt method in which representatives are elected, oppressive taxes, unjust laws, restrictions of liberty, and wasting of the public money, have ensued."

" Resolved, That the only remedy to those evils is a fair and impartial representation of the people in Parliament."

" Resolved, That a fair and impartial representation can never take place until partial privileges are abolished; and the strong temptations held out to electors affords a presumptive proof that the representatives of this Country, seldom procure a seat in Parliament, from the unbought suffrages of a free people."

" Resolved, That this Society do express their abhorrence of tumult and violence; and that, as they aim at Reform, not anarchy, reason, firmness, and unanimity be the only arms they employ, or persuade their fellow citizens to exert against abuse of power."

" Ordered, That the Secretary of this Society do communi-

"cate the foregoing to the Societies for Constitutional Information, established in London, Manchester, and Sheffield."

"By order of the Committee,

"THOMAS HARDY,

"Secretary."

"Resolved, That the Secretary of this Society do express to the Corresponding Society, the extreme satisfaction which we have received by the above communication; and to assure them of our desire to continue to correspond and co-operate with them, for the purpose of obtaining a fair representation of the people in Parliament."

Mr. Bower. Mr. Woodfall, look at the words—"Thomas Hardy, Secretary," and state whose hand-writing they are?

A. I believe they are Mr. Tooke's.

Mr. Attorney General. I will now call Maclean to prove that he found, in the possession of Mr. Adams, the rough draft of those resolutions, thus stated to be sent by the London Corresponding Society; and the hand-writing to the rough draft "Thomas Hardy, Secretary," has now been proved, by Mr. Woodfall, to be Mr. Tooke's.

Mr. Tooke. It certainly is my hand-writing—but won't you prove who signed—"John Cartwright," at the bottom of the other?

Mr. Maclean produced the rough draft, which he said he found in the possession of Mr. Adams.

(The rough draft, signed John Cartwright, chairman, was read.)

Mr. Bower. We will now put in a paper that has been proved, by Mr. Woodfall, to be Mr. Tooke's hand-writing; it is the rough minute of the last resolution that was read, namely: "Resolved, That the Secretary of this Society, do express to the Corresponding Society, the extreme satisfaction which we have received by the above communication; and to assure them

“ them of our desire to continue to correspond, and co-operate
“ with them, for the purpose of obtaining a fair representation
“ of the people in parliament.”

Lord Chief Justice Eyre. Where was that found?

Mr. Bower. Among Mr. Adams's papers.

(*The rough minute read.*)

Mr. Maclean. I found this paper also, in the possession of Mr. Adams.

Mr. Bower (to Mr. William Woodfall.) Whose hand-writing do you believe this to be?

A. This I believe to be Mr. Tooke's hand-writing.

(*It was read.*)

“ SIR,

“ I am directed by the Society for Constitutional Information
“ at London, to acknowledge the receipt of your letter, and to
“ express to you the very great pleasure and satisfaction which
“ they receive from your communication, the Society have
“ unanimously elected Mess. &c. as associated members of this
“ Society; and we flatter ourselves that whenever any business,
“ or any other occasions shall lead any of these gentlemen to
“ London, they will be kind enough to honour the Society
“ with their presence, and give us an opportunity of cementing
“ that friendship between us, which all the zealous friends of
“ public freedom, and the happiness of mankind, ought to feel
“ for, and exercise towards each other.

“ Yours, &c.

D. A.

“ P. S. I am desired by Mr. Horne Tooke, to request each
“ of the associated members to honour him by their acceptance
“ of the books which accompany this Letter.”

Mr. Bower. We propose now to read a declaration from the Society in Southwark.

(The following entries were read from the book of the Society for Constitutional Information.)

" At a meeting held at the Secretary's house, Tooke's-court,
" Chancery-lane, Friday, 20th of April, 1792.

" PRESENT,

" Major Cartwright, in the chair.

" Mr. Jeremiah Batley, Mr. I. L. Batley, Mr. Frost, Dr.
" Edwards, Mr. Lockhart, Mr. Aspinall, Mr. Walfsh, Mr.
" Cooper, Mr. Hull, Mr. Tuffin, Mr. Favell, Mr. Sharpe,
" Mr. William Smith, Mr. Bush, Mr. Paine.

" A declaration from a Society in Southwark was read.

" A motion was made, that the same lie on the table till
" Friday next, which passed in the negative."

" A motion was then made, that the said paper be now read
" a second time in order for publication, which passed in the
" affirmative; and that the former resolution be published."

" Resolved, That the thanks of this Society be given to the
" under-mentioned Society, for the following communication,
" and that it be published in the papers."

" At a meeting at the Three Tuns Tavern, Southwark,
" April 19th, 1792.

" Mr. Samuel Favell, in the chair.

" Resolved, That we do now form ourselves into a Society
" for the diffusion of political knowledge."

" Resolved, That the Society be denominated **THE FRIENDS**
" **OF THE PEOPLE.**"

" Resolved, That the following be the declaration of this
" Society."

" **CONSIDERING** that ignorance, forgetfulness, or contempt of
" the **RIGHTS OF MEN** are the sole causes of public grievances,
" and of the corruption of Government; this Society, formed
" for the purpose of investigating and asserting those Rights, and
" of uniting their efforts, with those of their fellow Citizens, for

" correcting national abuses, and restraining exorbitant and unnecessary Taxation, do hereby declare—

" 1st. That the great end of civil society is GENERAL HAPPINESS."

" 2nd. That NO FORM OF GOVERNMENT is good, any further than it secures that object."

" 3rd. That all Civil and Political Authority is derived from the people."

" 4th. That equal active Citizenship is the unalienable right of all Men: Minors, Criminals, and Insane Persons excepted."

" 5th. That the exercise of that right in appointing an adequate REPRESENTATIVE GOVERNMENT is the wisest device of human policy, and the only security of NATIONAL FREEDOM."

" We also declare, that we are wearied with the unmeaning names of WHIG and TORY, and of MINISTERIAL and OPPOSITIONAL parties, and having often—too often, been deceived by both, we can no longer implicitly confide in either. We will THINK for ourselves; we will study our own Rights; and we leave to the INS and the OUTS all that idle quibble of debate which only serves to amuse and deceive the nation, and to hold it alternately the prey of COURT and PARTY INTRIGUES,

" We have beheld corruption generated upon corruption under the auspices of every Administration; from whence we have reason to infer, that some RADICAL DEFECT exists in the system of Government, that admits of no cure but from the United efforts of the Nation,

" We have seen Taxes multiplied upon Taxes, for purposes unknown to us, at the mere will and pleasure of the party in power; and we have seen PARLIAMENTS refuse to know the cause for which such Taxes were voted. Thus held in the dark by every part of Government, our money taken from us without assigning a cause, and ourselves continually deceived, we have learned from experience the necessity of

“ looking into our own Rights, and of attending to our own
 “ Interest.”

“ We are told that we have a Constitution—If it permits
 “ these abuses, it is either *not* a good one, or good *only in part*,
 “ and defective in its principles, construction, and effects. The
 “ continual applause bestowed upon it by Placemen, Pensioners,
 “ Government Contractors, Court Expectants, and the hired
 “ Editors of Prostituted Newspapers, has justly excited our
 “ suspicion either of its excellence or its existence. It may be
 “ good for *THEM* and not for us: and as we are no longer to
 “ be amused with a *Name* or a *Phantom*, we will direct our
 “ enquiries to the fact.

“ We contemplate with pleasure the progress which this
 “ Nation and Mankind in general are now making in the hi-
 “ therto mysterious science of Government. We observe a
 “ spirit of calm and rational enquiry rising and diffusing itself
 “ among all orders of people; and of a nature totally different
 “ from the tumultuous malevolence of Party, and the artificial
 “ policy of Statesmen.

“ We are desirous, therefore, of uniting with the several
 “ Societies already formed in various parts of the nation, for
 “ promoting an enquiry into, and asserting the Rights of the
 “ People. We call upon our fellow Citizens of all descrip-
 “ tions to institute similar Societies, for the same great purpose;
 “ and we recommend a general correspondence with each other,
 “ and with the Society for CONSTITUTIONAL INFORMATION
 “ at LONDON, as the best means of cementing the common
 “ union, and of directing our united efforts with greater energy
 “ and effect.”

“ *Resolved,*

“ *That the following be the Rules of the Society:*

“ I. The number of Members shall be unlimited, and each
 “ subscribe not less than 1s. 6d. per quarter, for the purpose of
 “ carrying on the designs of the institution.”

“ II. The Society shall meet in small parties, or divisions,
 “ monthly,

" monthly, on any day of the first week of the month, except
" Tuesday; and when any division amounts to thirty members,
" it shall be subdivided and form two."

" III. Each division to elect a Chairman and Secretary
" quarterly, and at the first meeting of the quarter. The
" Chairman to be their Representative in a General Com-
" mittee; and in case the division shall consist of twenty per-
" sons, another Representative shall be chosen to accompany
" the Chairman. The Secretary shall record the transactions,
" and deliver quarterly to the General Committee a correct
" list of the Members of such division, collect the subscrip-
" tions, and pay them forthwith to the Treasurer of the
" Society."

" IV. The Representatives shall form a General Commit-
" tee—meet every Tuesday—and at their first meeting in each
" quarter elect a Chairman and principal Secretary. They
" shall correspond with similar institutions—determine on all
" publications to be circulated by the Society—report to their
" respective divisions the proceedings and correspondence of
" the Committee—and in all cases be governed by the prevail-
" ing sentiments of their constituents."

" V. The Chairman of the General Committee shall be
" Treasurer for the time being—receive the subscriptions—
" pay all disbursements under the direction of the Committee
" —and have his accounts audited by the next succeeding
" Committee."

" VI. Every division shall determine within itself on the
" mode of admitting Members, and all other matters not pro-
" vided for in the foregoing articles."

" A. C. RUSSELL, Sec."

" At a meeting held Friday, 27th April, 1792, at the Secre-
" tary's, Tooke's-court, Chancery-lane.

" PRESENT,

" Major Cartwright in the Chair,

" Mr. Batley, Mr. I. L. Batley, M. Merry, Mr. Williams,

" Mr.

“ Mr. Lockhart, Mr. I. H. Tooke, Mr. Frost, Captain Har-
 “ wood. Mr. I. Adams, Mr. A. Bush, Mr. M. Bush, Mr. M.
 “ Pearson, Mr. Sharpe, Mr. Favell, Mr. Walfsh, Mr. Fitz-
 “ gerald, Mr. Hollis, Dr. Edwards, Mr. Hull, Mr. Cooper,
 “ Mr. Tuffin.

“ Read the following letter, addressed to the Society called the
 “ Friends of the People, associated for Constitutional Reform,
 “ assembled at Free Masons Tavern.

“ SIR,

“ By the Society for Constitutional Information, I am com-
 “ manded to express to you the satisfaction that its members
 “ feel on the institution of your Society.

“ That the House of Commons itself, which is the very sub-
 “ ject to be reformed, should have furnished a part of this
 “ strength, may ultimately afford important advantages to the
 “ public. But it must not, Sir, be disguised, that at first this
 “ circumstance will necessarily be accompanied with doubts, with
 “ suspicions, with apprehensions. It is not, Sir, the first time
 “ that numbers of that house have professed themselves Refor-
 “ mers: It is not the first time that they have entered into popu-
 “ lar associations. But should they, on this occasion, prove
 “ faithfully instrumental in effecting a substantial reform in the
 “ representation of the people, and the duration of Parliaments,
 “ it will be the first time that the nation hath not found itself in
 “ an error, when it placed confidence in associated Members of
 “ Parliament, for the recoveries of the constitutional and in-
 “ estimable rights of the people. The long-lost rights of re-
 “ presentation, are rights, Sir, which in truth are not to be
 “ recovered but by the exertions and the unanimity of the people
 “ themselves. Impressed with this great truth, it has been an
 “ invariable object of this society ‘to revive in the minds of
 “ the commonalty at large a knowledge of their lost rights, re-
 “ specting the election and duration of the representative body’—
 “ and we doubt not that your society will see the wisdom of pur-
 “ suing a like course. May it taste the delight of diffusing this
 “ knowledge; may it reap the honour of calling forth the ener-
 “ gies of the nation!

“ When

" When this Society, Sir, contemplates that flood of light and
 " truth which, under a benign Providence, is now sweeping
 " from the earth despotism in all its forms, and infringement of
 " rights in all its degrees, to make way for freedom, justice,
 " peace, and human happiness; and when it sees your Society
 " announce itself to the world as the Friends of the People; it
 " rests assured that this new institution abundantly partakes of
 " that light, that it embraces that truth, and it will act up to
 " the sacredness of that friendship which it professes, by nobly
 " casting from it, with disdain, all aristocratic reserves, and
 " fairly and honestly contending for the people's rights in their
 " full extent.

" Here, Sir, be assured, lies all your strength. You may
 " boast of names, of wealth, of talents, and even of principles;
 " but without the fellowship of the people, understanding and
 " feeling their immediate interest in the contest, your associa-
 " tion, whenever it grapples with that powerful despotism to
 " which it is opposed, and to which a constitutional cloak gives
 " double strength, will most assuredly crumble to dust.

" Here, Sir, it is with peculiar satisfaction that the Society
 " for Constitutional Information can express its belief, that to
 " its own unequivocal, 'Déclaration of Rights, without which
 " no Englishman can be a Free Man, nor the English nation
 " Free People,' it owes that confidence, on the part of all true
 " friends to a substantial Reform of Parliament, which in all
 " periods of the Society's existence it has invariably experi-
 " enced.

" This short declaration, containing no more than four distinct
 " propositions, satisfied the people that the Society assumed not
 " the office of Reformer, without knowing with precision what
 " wanted Reform; nor the character of friend, without mani-
 " festing that sincerity which gave proof of its attachment. It
 " left to such Reformers as Mr. Burke to talk of the People's
 " Liberties, and at the same time to deny or explain away their
 " Rights.

" This Society, Sir, trusts that the purity of principle which
 " actuated individual Members of Parliament, who joined the
 " asso-

“ associations that have been spoken of, will in no degree be
 “ affected by the observations that have been made upon the in-
 “ sufficiency of those associations. But, convinced that a strong
 “ impression still remains upon the minds of the people, that in
 “ general persons who have long been accustomed to hold seats
 “ in the House of Commons, under the present abuses in the
 “ representation, and whose connections are all aristocratic,
 “ must be almost more than men, at once and completely to
 “ sacrifice both prejudice and unwarranted power at the Altar
 “ of Freedom;—this Society, convinced, I say, Sir, of the
 “ existence of this impression, would not suffer its delicacy to
 “ stand in the way of its duty on this important occasion; but
 “ determined, with the frankness belonging to sincere affection,
 “ to warn its new brethren against a danger to which they
 “ might otherwise become exposed through mere inadvert-
 “ tency.

“ That the distinguished persons who have adorned the Senate,
 “ and now adorn your Society, may be found equal to the sub-
 “ lime efforts of virtue which their situation now demands, and
 “ may on that account receive the blessings of their country,
 “ and of mankind, to the latest posterity, is the sincere, the ar-
 “ dent wish of the Society for Constitutional Information! In
 “ whose name I have the honour to subscribe myself with great
 “ regard.”

“ Resolved, That the said letter be signed by the Chairman of
 “ this Meeting, and sent to the said Society, at their next general
 “ Meeting.”

Mr. Thomas Maclean. I found this among Mr. Adams's
 papers.

(*It was read.*)

“ SIR,

“ Fully sensible that the Society for Constitutional Information
 “ have made no sacrifice to delicacy in their address to us, we on
 “ our part shall affect no disguise.

“ Volun-

" Voluntary associations not being armed with public authority, have no force but that of truth, no hope of success but in the strength of reason, and the concurrence of the public.

" We profess not to entertain a wish ' that the great plan of public benefit which Mr. Paine has so powerfully recommended will speedily be carried into effect,' nor to amuse our fellow-citizens with the magnificent promise of obtaining for them ' the rights of the people in their *full* extent : '—the indefinite language of delusion, which by opening unbounded prospects of political adventure, tends to destroy that public opinion which is the support of all free governments, and to excite a spirit of innovation of which no wisdom can foresee the effects, and no skill direct the course. We view man as he is, the creature of habit, as well as of reason. We think it therefore our bounden duty to propose no extreme changes, which, however specious in theory, can never be accomplished without violence to the settled opinions of mankind, nor attempted without endangering some of the most estimable advantages which we confessedly enjoy. We are convinced that the people bear a fixed attachment to the happy form of our government, and the genuine principles of our Constitution; these we cherish as objects of just affection, not from any implicit reverence, or habitual superstition, but as institutions best calculated to produce the happiness of man in civil society: and it is because we are convinced that abuses are undermining and corrupting them, that we have associated for the preservation of those principles.

" We wish to reform the Constitution, because we wish to preserve it.

" Associations formed in the face of power, in opposition to the interests of our present legislators, evince that *individual* security and *personal* independence are already established by our laws.

" The immense accumulation of debt, the enormous taxation of seventeen millions of annual revenue, demonstrate that the *collective* interests of the community have been neglected or betrayed.

" We

" We believe the defective constitution of the assembly en-
 " trusted with the public purse, to be the real source of this
 " evil. With this view we have pledged ourselves to attempt
 " a timely and salutary reform, adhering, in every measure, we
 " may take, to the fundamental principles of the Constitution.
 " According to those acknowledged principles, the people have
 " a perfect right to possess an organ, by which the public mind
 " may speak in legislation; and to bind their representatives to
 " the interests of the whole community, by a frequent renova-
 " tion of the trust. These objects accomplished, we believe
 " abuses will find no protection in a genuine representation of
 " the people; that regulations best adapted to the public hap-
 " piness will be gradually infused into our laws, through the
 " known channels of legislation; and that the agitated minds of
 " men, resuming their confidence in parliament, will subside
 " into a calm expectation of redress, without forgetting the prin-
 " ciples or violating the form of the Constitution.

" These, as we think, are the views of men detesting anarchy,
 " yet sincere friends of the people. Your letter appears to us
 " to be written with a view to create distrust of our designs, to
 " insinuate doubts of sincerity, and to excite an early suspicion of
 " our principles in the minds of the people. We have not, how-
 " ever, refused, in answer, to disclaim what we condemn, and
 " to avow our real objects, from the pursuit of which we will
 " not suffer ourselves to be diverted by any controversy. We
 " must beg leave, at the same time, to decline all future inter-
 " course with a Society whose views and objects, as far as we
 " can collect them from the various resolutions and proceedings
 " which have been published, we cannot help regarding as irre-
 " concilable with those real interests on which you profess to
 " inform and enlighten the people.

" JOHN RUSSEL, Chairman."

" *Freemason's Tavern,*

" *Saturday, May 12th, 1792.*"

Addressed " *John Cartwright, Esq. Chairman to the Society*
 " *for Constitutional Information.*"

" *Free-*

"Freemasons Tavern, May 12th, 1792."

" At a General Meeting of the Society of the Friends of the
" People, associated for the purpose of obtaining Parliamentary
" Reform,

" The Right Honourable Lord John Russel in the chair.

" Resolved, that the proceedings of this day, including the
" letter from the Society for Constitutional Information, and
" the answer of this Society to that letter, be printed and pub-
" lished."

" Resolved, That, together with the answer of this Society
" to the letter of the Society for Constitutional Information,
" there be transmitted to John Cartwright, Esquire, Chair-
" man of that Society, a copy of the Resolution of the Society
" of the Friends of the People, to print and publish the letter
" and reply."

" JOHN RUSSEL, Chairman."

Mr. Thomas Maclean. I found this among Mr. Adams's papers.

Mr. Bower (to Mr. William Woodfall.) You see there is an alteration of the date in this paper; whose hand-writing do you believe that alteration to be?

A. It is difficult to decide—it is not very clearly written.

Q. Whose do you believe it to be?

Lord Chief Justice Eyre. A mere alteration of a date!

A. I think it difficult to decide, but rather think it to be Mr. Horne Tooke's.

Mr. Tooke. It certainly is mine.

Lord Chief Justice Eyre. What is it?

Mr. Bower. It is "ultimo" altered to "March;" it was taken into consideration the 4th of May.

(It

(It was read.)

“ At a meeting of the Delegates of the United Constitutional Societies, held the 24th of March, 1792, at the Wheel of Fortune, Saint Edmund’s, in the city of Norwich, it was unanimously agreed to communicate to the gentlemen of the London Society for Constitutional Information the following resolutions.

“ 1st. We are happy to see the success of the Sheffield Society for Constitutional Reform, and approve of the *Delegations which you and they* have made, in order to form a plan of *General Information*; we humbly beg that you would grant to us the same favour; and it is our wish that all the Societies of a similar kind in England were only as so many members *strongly and indissolubly united in one political body.*”

“ 2dly. We believe that instructing the people in political knowledge, and in their natural and inherent rights as men, is the only effectual way to obtain the grand object of Reform; for men need only be made acquainted with the abuses of government, and they will readily join in every lawful means to obtain redress. We have the pleasure to inform you that our Societies consist of *some hundreds; and new societies are frequently forming, which by delegates preserve a mutual intercourse with each other for instruction and information*; and the greatest care has been taken to preserve order and regularity at our meetings, to convince the world that riot and disorder are no parts of our political creed.”

“ 3dly. We believe, and are firmly persuaded, that Mr. Burke (the once friend of Liberty) has traduced the greatest and most glorious Revolution ever recorded in the annals of history. We thank Mr. Burke for the political discussion provoked, and by which he has opened unto us the dawn of a glorious day.”

“ 4thly. To Mr. Thomas Paine our thanks are especially due, for *his first and second Part of the Rights of Man*; and we sincerely wish that he may live to see his labours crowned
“ with

"with success in the general diffusion of liberty and happiness among mankind."

"5thly. We view, with concern, the late discoveries relative to the Westminster election, in 1788; and conceive ourselves, and all true friends of freedom, under great obligations to Messrs. Thomson, Wyndham, Francis, Taylor, and all the noble and spirited MINORITY, for their exertions in order to discover the true source of that abominable and iniquitous procedure."

"6thly. We congratulate our brethren in the various parts of the kingdom, on the progress of political knowledge, and earnestly intreat them to increase *their associations*, in order to form one grand and extensive union of all the friends of general liberty—and we hope the time is not far distant, when the people of England will be equally and faithfully represented in parliament."

"Signed by order,

"JOHN BROUGHTON, Chairman."

Addressed "*The London Constitutional Society.*"

Mr. Maclean. I found this letter amongst Mr. Adams's papers.

Mr. Bower. (to Mr. William Woodfall.) Whether the descriptions in the list of persons at the end of that letter are in the hand-writing of the prisoner, or not?

A. They are.

(*The following entry was read from the book of the Society for Constitutional Information.*)

"At a meeting held Friday, 4th May, 1792, at the Secretary's house, Tooke's-court, Chancery-lane.

"PRESENT,

"Mr. Sharpe in the Chair.

"Mr. I. H. Tooke, Mr. Williams, Mr. Merry, Mr. M. Pearson, Mr. Fitzgerald, Captain Harwood, Mr. Lockhart, Major Cartwright, Mr. Hollis, Mr. Paine, Mr. William
VOL. I. O "Sharpe,

" Sharpe, Mr. Adams, Mr. M. Bush, Rev. Mr. Joyce, Mr.

" Frost, Mr. Aspinall, Mr. A. Bush, Mr. Wheeler, Mr.

" Walker, Mr. Walth, Dr. Kentish, Mr. Tuffin.

" The following Gentlemen, recommended by the Norwich Society, were elected associated members of this Society—

" Mr. Thomas Goff, Mr. William Taylor, Mr. William Firth,

" Mr. Thomas Barnard, Mr. George Watson, Mr. Mark

" Wilks, Mr. Charles Basham, Mr. John Dalrymple, Mr.

" Edward Barrow, Mr. Henry Dobson, Mr. Henry Catton.

" Mr. Martin, of Richmond-buildings, Dean-street, Soho,

" was proposed as an honorary member by Mr. Tooke, and

" seconded by Mr. Frost.

" Read the following letters from the Revolution and Constitutional Societies at Norwich.

" This Society having received the following communication from the Revolution Society at Norwich, viz.

" To the London Society for Constitutional Information.

" The Revolution Society wishes to open a communication

" with you at this time, when corruption has acquired a publi-

" city in the senate, which exacts from the honour of the

" British nation renewed exertions for Parliamentary Reform.

" —Without prejudging the probable events of such an ap-

" plication to the legislature, this Society is willing to circulate

" the information, and to co-operate in the measures that may

" seem best adapted to further so desirable and so important an

" end. It is willing to hope the redress of every existing griev-

" ance at the hands of a Government resulting from an extraor-

" dinary convocation, in 1688, of all who had at any preceding

" time been elected representatives of the people, assisted by the

" hereditary counsellors of the nation, and a peculiar deputa-

" tion from the metropolis, which National CONSTITUTING

" Assembly cashiered for misconduct a King of the House of

" Stuart.

" The opinions and principles of this Society are best ex-

" plained by an appeal to their literary representatives. To

" James Mackintosh, author of *Vindiciæ Gallicæ*, this Society

“ offers the tribute of its *Approbation and Gratitude*, for the
 “ knowledge, the eloquence, and philosophical spirit with which
 “ he has *explained, defended, and commented on the Revolution*
 “ *of France*. It hesitates to assent to this only of his opinions,
 “ that ‘ there are but two interests in society, those of the rich
 “ and those of the poor.’ If so, what chance have the latter?
 “ Surely the interests of all the industrious, from the richest mer-
 “ chant, to the poorest mechanic, are in every community the
 “ same—to lessen the numbers of the unproductive, to whose
 “ maintenance they contribute, and to do away such institutions
 “ and imposts as abridge the means of maintenance, by resisting
 “ the demand for labour, or by sharing its reward; as the
 “ means most conducive to this comprehensive end, the Norwich
 “ Revolution Society desires an equitable representation of the
 “ people.

“ *The Rights of Man*, by *Thomas Paine*, and *The Advice*
 “ to the Privileged Orders, by *Joel Barlow*, have also been
 “ read with attention, and circulated with avidity. They
 “ point out with clearness most of the abuses which have ac-
 “ cumulated under the *British Government*; they attack with
 “ energy *most of the prejudices which have tended to perpetuate*
 “ them.

“ Internally, our Society is thus organized:—Any person
 “ proposed and seconded by a member is received, on paying an
 “ admission fine, and obliging himself to an *annual contribution*
 “ toward the purchase of books for the use of the Society, and
 “ for circulation among *the confederated clubs*. The members
 “ assemble *twice, monthly*. A *Committee of Correspondence* is
 “ periodically elected by ballot, to select books, and to conduct
 “ the other literary business. A *Committee of twelve is periodi-*
 “ *cally named by acclamation* to attend severally the meetings of
 “ *the various confederated clubs*, which are invited in like man-
 “ ner to depute *a member to the monthly meetings of this*: these
 “ clubs are now seven in number; and more are expected to an-
 “ nounce their adherence. The Norwich Revolution Society,
 “ proposing to extend this form of combination, recommends for
 “ admission

" admission into the London Society for Constitutional Informa-
" tion the following twelve persons:

- " Thomas Goff, Chairman,
- " William Taylor, one of the first Manufacturers,
- " William Firth, a considerable Manufacturer,
- " Thomas Barnard, ditto,
- " George Watson,
- " Mark Wilks, Preacher,
- " Charles Bafham,
- " John Dalrymple,
- " Edward Barrow, a considerable Warehouseman,
- " Henry Dobson,
- " Henry Catton.

" THOMAS GOFF, Chairman."

" *Norwich, April 26th, 1792.*"

Addressed, "*John Cartwright, Esq. No. 4, Tooke's-court,*
"*Chancery-lane, London.*"

" Resolved, That this Society receives the above communi-
" cation with the most heart-felt satisfaction, and desires ear-
" nestly to concur and co-operate with those Societies in their
" laudable objects; that the Secretary do inform them of the
" same, and that this Society has unanimously elected the twelve
" members of the Norwich Society to be associated members
" of this Society."

Mr. Bower. We now propose to read a letter from Martin.
Mr. Woodfall, look at that letter and see whether any part of
it is Mr. Tooke's.

A. There is a line in this first page which is Mr. Tooke's
hand-writing.

Lord Chief Justice Eyre. Where does that paper come
from?

Mr. Bower. It was found among Mr. Martin's papers; it
is the draft of a letter.

Lord

Lord Chief Justice Eyre. What is in Mr. Tooke's handwriting?

Mr. Bower. The words, "Gentlemen so highly approved of by the public," instead of the words learned men."

(*It was read.*)

"SIR,

"I have before me your favour of the 14th instant, informing me that at a Meeting of the Society for Constitutional Information, held last Friday, I was unanimously elected an honorary member. I beg you will be so good as to assure the Society I esteem this honour as it ought to be esteemed by me. I have the honour to know but few of the members; I cannot presume this imputable to private individuals, and am far from presuming my conduct to be such as to attract the notice of Gentlemen so highly approved of by the public."

Mr. Attorney General. We propose now to read the proceedings of the 11th of May, 1792. It may be material to mention, that it will appear by the books that the dinner club began on the 1st of June, 1792; the meetings before that time were at the Secretary's house, and there were no preceding dinners.

(*The following entries were read from the books of the Society for Constitutional Information.*)

"At a Meeting held Friday, 11th May, 1792, at the Secretary's house, Tooke's Court, Chancery Lane.

"PRESENT,

"Major Cartwright in the chair

"Dr. Melville, Mr. Jeremiah Batley, Mr. I. L. Batley, Rev.

"Mr. Joyce, Mr. Lockhart, Mr. Bush, Mr. Fitzgerald,

"Mr. Sharpe, Mr. Tooke, Mr. Williams, Mr. W. Sharpe,

“ Mr. Tuffin, Mr. Frost, Mr. M. Pearson, Mr. Favell,
“ Mr. West, Lord Daer, Mr. M. Bush, Mr. Aspinall, Cap-
“ tain Tooke Harwood, Mr. Merry, Mr. Hollis, Dr. Ed-
“ wards, Mr. I. Adams, Mr. Charles Sharpe, Mr. Walfsh.

“ Resolved, That there be a communication from this Soci-
“ ety with the Society of the Friends of the Constitution at
“ Paris, known by the name of The Jacobins.”

“ Read the following Address from this Society to the Society
“ of Friends of the Constitution at Paris, called The Jacobins.

“ BROTHERS, AND FELLOW CITIZENS OF THE WORLD,

“ The cordial and affectionate reception with which you have
“ honoured our worthy countrymen, Mr. Thomas Cooper and
“ Mr. James Watt, members of the Society of Manchester,
“ and united with our Society, has been communicated to us by
“ the correspondence of those gentlemen.

“ In offering you our congratulations on the glorious Revo-
“ lution which your nation has accomplished, we speak a lan-
“ guage which only sincerity can dictate.

“ The formality of Courts affords no example to us. To
“ do our thoughts justice, we give to the heart the liberty it
“ delights in, and we hail you as brothers.

“ It is not among the least of the revolutions which time is
“ unfolding to an astonished world, that two nations, nursed by
“ some wretched *craft* in reciprocal hatred, should so suddenly
“ break their common *odious* chain, and rush into amity.

“ The principle that can produce such an effect, is the off-
“ spring of no earthly court; and whilst it exhibits to us the
“ expensive iniquity of former politics, it enables us, with bold
“ felicity, to say, We have done with them!

“ In contemplating the political condition of nations, we
“ cannot conceive a more diabolical system of Government,
“ than that which has hitherto been generally practised over the
“ world: to feed the avarice and gratify the wickedness of am-
“ bition, the fraternity of the human race has been destroyed;
“ as if the several nations of the earth had been created by

“ rival

" rival Gods. Man has not considered man as the work of
 " One Creator.

" The political institutions under which he has lived have
 " been counter to whatever religion he professed.

" Instead of that universal benevolence which the morality of
 " every known religion declares, he has been politically bred to
 " consider his species as his natural enemy, and to describe
 " virtues and vices by a geographical chart.

" The principles we now declare are not peculiar to the so-
 " ciety that addresses you; they are extending themselves, with
 " accumulating force, through every part of our country, and
 " derive strength from an union of causes, which no other
 " principles admit.

" The religious friend of man, of every denomination, re-
 " cords them as his own; they animate the lover of rational
 " liberty; and they cherish the heart of the poor, now bending
 " under an oppression of taxes, by a prospect of relief.

" We have against us only that same enemy which is the
 " enemy of justice in all countries—a herd of courtiers fatten-
 " ing on the spoil of the public.

" It would have given an additional triumph to our congra-
 " tulations, if the equal rights of man (which are the founda-
 " tion of your declaration of Rights) had been recognized by
 " the Governments around you, and tranquilly established in
 " all: but if despotisms be still reserved, to exhibit, by conspi-
 " racy and combination, a further example of infamy to future
 " ages, that power that disposes of events best knows the means
 " of making that example finally beneficial to his creatures.

" We have beheld your peaceable principles insulted by
 " despotic ignorance: we have seen the right hand of fellow-
 " ship, which you hold out to the world, rejected by those who
 " riot on its plunder: we now behold you a nation provoked
 " into defence; and we can see no mode of defence equal to
 " that of establishing the general freedom of Europe.

" In this best of causes we wish you success. Our hearts go
 " with you; and in saying this, we believe we utter the voice
 " of millions."

“ Resolved, That the above address be signed by the chairman and secretary, and that Mr. I. H. Tooke be requested to transmit it, with all possible dispatch, to Mr. James Watt, at Paris.”

“ Resolved, That the said Address be read a second time at the next meeting, for publication.”

“ At a meeting held Friday, the 18th of May, 1792, at the Crown and Anchor Tavern, Strand:

“ PRESENT,

Major Cartwright in the chair,

“ Mr. Tooke, Mr. Merry, Lord Daer, Mr. Paine, Mr. Lloyd, Dr. Edwards, Mr. Bush, Mr. I. Adams, Captain T. Harwood, Mr. I. L. Batley, Mr. Williams, Mr. Hull, Mr. Watts, Mr. Fitzgerald, Mr. William Sharpe, Mr. Aspinall, Mr. M. Pearson, Mr. Martin, Mr. Gerald, Mr. Sturch, Mr. Sharpe (Charlotte Street), Mr. M. Bush, Mr. Lockhart, Mr. Batley, Mr. Favell, Mr. Frost, Mr. Cooper, Mr. Campbell, Mr. Tuffin.

“ Read a second time the Address to the Friends of the Constitution at Paris, known by the name of the Jacobins.

“ Ordered to be published in the papers.

“ Read the following letter, addressed to the chairman of this Society, from Mr. Thomas Paine,

“ SIR,

“ *London, May 18th, 1792.*

“ The honourable patronage which the Society for Constitutional Information has repeatedly given to the works, intitled Rights of Man, renders it incumbent on me to communicate to them whatever relates to the progress of those works.

“ A great number of letters, from various parts of the country, have come to me, expressing an earnest desire that the First and Second Parts of ‘Rights of Man’ could be rendered more generally useful, by printing them in a cheaper manner than they have hitherto been: as those requests were from persons to whom the purchase at the present price was
“ incon-

"inconvenient, I took the proper means for complying with
"their request.

"I am since informed that the ministry intend bringing a
"prosecution; and as a nation (as well the poor as the rich)
"has a *right* to know what any works are that are made the
"subject of a prosecution, the getting out a cheap edition is, I
"conceive, rendered more necessary than before, as a means
"towards supporting that right;—and I have the pleasure of
"informing the Society that I am proceeding with the work.

"I am, Sir, with great respect,

"Your obedient, humble servant,

"THOMAS PAINE."

"*To the chairman of the Society for Constitutional Information.*"

"The society took into consideration the contents of the
"aforesaid letter, and came to the following resolutions:

"Resolved, That the thanks of this Society be given to Mr.
"Thomas Paine, for the communication he has made, and for
"the patriotic disinterestedness manifested therein."

"Resolved, That this Society will contribute its utmost aid
"towards supporting the rights of the nation, and the freedom
"of the press, and him who has so essentially and successfully
"contributed to both."

"Resolved, That the right of investigating principles and
"systems of government is one of these rights; and that the
"works of any author, which cannot be refuted by reason,
"cannot, on the principles of good government or of common
"sense, be made the subject of a prosecution."

"Resolved, That the excessive taxes which this country
"pays, being now seventeen millions annually, give an addi-
"tional motive for the exercise of this right, and render it at
"the same time a more immediate duty the nation owes to it-
"self, to enter upon and promote all such investigations."

"Resolved, That a committee be appointed to enquire into
"the rumour of the above-mentioned prosecution; and to report
"thereon to the Society at its next meeting."

"Resolved,

" Resolved, That a copy of Mr. Paine's letter, together with these resolutions, be transmitted to all the associated Societies in town and country; and that this Society do congratulate them on the firm and orderly spirit, and tranquil perseverance, manifested in all their proceedings, and exhort them to a steady continuance therein."

" Resolved, That 3,000 copies of the above Letter and Resolutions be printed, for the use of this Society."

Mr. Maclean. I found this paper at Mr. Adams's.

Mr. Bower. These are the minutes of those resolutions which we have proved to have corrections in the hand-writing of Mr. Tooke.

(The rough draft was read.)

Mr. Attorney General. Mr. Adams proved last night that he paid for printing Paine's letter, the resolutions, and the address to the Jacobins, in several newspapers; we will now read an extract from this book, which was proved by Mr. Adams. There is an observation respecting the Herald and the World; that the one declined to insert any of the Societies publications, the other declined to insert this publication, and the Gazetteer returned the money.

(The following extract was read from a book containing the general receipts and disbursements of the Society for Constitutional Information.)

" Mr. Paine's letter, resolutions, and address to the Jacobins:

		£.	s.	d.
" 22d May, 1792,	Argus,	-	-	1 4 0
" 23d ———	Argus,	-	-	0 10 6
" 25th ———	Morning Chronicle,	-	-	1 4 0

" Herald, returned, declining to insert

" any of the Society's publications.

" World,

£. s. d.

" World, declined.

" Oracle, - - - 1 5 0

" Gazetteer, returned.

" Morning Post, not inserted.

" English Chronicle, - - - 1 6 0

" General Evening, - - - 1 7 0"

(The following entry was read from the book of the Society for Constitutional Information.)

" At a meeting held, Friday, 25th of May, 1792, at the
" Crown and Anchor Tavern, Strand.

" PRESENT,

" Mr. Bush, in the Chair.

" Mr. Tooke, Dr. Maxwell, Mr. Merry, Mr. Paine, Mr.

" Frost, Mr. Bonney, Mr. C. Sharpe, Mr. I. Adams, Mr.

" John Martin, Mr. A. Bush, Lord Daer, Major Cart-

" wright, Mr. Gerald, Mr. I. Williams, Mr. Lockhart,

" Mr. Favell, Mr. Joyce, Mr. Williams, Rev. Dr. Towers,

" Dr. Edwards, Mr. Aspinall, Mr. Fitzgerald, Mr. Sharpe,

" Mr. W. Sharpe, Mr. Tuffin, Mr. Balmanno, Mr. Kem-

" ble, Mr. Cooper, Mr. M. Pearson.

" Ordered, That 6,000 more copies of the bills, directed at
" the last meeting, be printed: That 100 be sent to each of the
" twelve associated members of the Sheffield Constitutional So-
" cieties; 100 to each of the twelve associated members of the
" Norwich Constitutional Society; 200 to each of the other So-
" cieties corresponding with this Society; 200 to Mr. Joyce
" for Mr. Fox of Derby; and 200 to the Society at Belpar."

Lord Chief Justice Eyre. What is that book?

Mr. Gibbs. It is Mr. Adams's private book, in which, probably, he kept the accounts.

Mr. Tooke. We confess the payment of our debts.

Mr.

Mr. Gibbs. I submit that it is not evidence.

Mr. Justice Lawrence. It is evidence that the sums entered there were paid by him.

Mr. Gibbs. If he has proved the fact, that the sums which are in that book were paid by him, then that fact is proved out of his mouth; when I made the objection, it was offered as a book of the Society.

Lord Chief Baron Macdonald. He said, last night, that all the entries in that book were of disbursements he made.

Lord Chief Justice Eyre. What is this an account of?

Mr. Attorney General. It is for printing Paine's letter, and the address to the Jacobins.

(The following extract was read from a book containing the general receipts and disbursements of the Society for Constitutional Information.)

	£.	s.	d.
" May 15th. Goldney, as per receipt, for print-			
ing Paine's letter and address to the Jacobins	12	12	0
" May 25th. Parcel to Sheffield, with Paine's			
letter to Dundas	-	-	0 9 11
" Ditto to Norwich	-	-	0 8 8
" Parcel to Leicester, with Paine's letter to			
Dundas	-	-	0 1 6"

Mr. Justice Lawrence. Upon looking back to my notes, I do not know whether I have not mistaken, as to what Adams said; he said the book contained true entries, as he believed; I thought that applied to the book of accounts; but, upon looking over my notes, I believe he applied it to the entries in the book of the Society.

Mr. Erskine. Your Lordship is quite correct; it applied to the book of the Society.

Mr. Justice Lawrence. I believe, from my memory, that it applied to both.

(The

(The following entries were read from the book of the Society for Constitutional Information.)

" May 25th.

" Read a communication from the London Corresponding Society, as follows :

" SIR,

" By direction of the Delegates of the London Corresponding Society, I have the honour of enclosing to you a copy of their address and regulations, which I request you will communicate to the Constitutional Society.

" I am truly, Sir,

" Your obedient and

" Very humble servant,

" THOMAS HARDY, Secretary.

" *Bell, Exeter-street, May 24th, 1792.*"

" *To the Chairman of the Constitutional Society.*"

" Resolved, That the thanks of this Society be returned to the London Corresponding Society, for the communication which it has made to this Society; and that the further consideration of the said communication be postponed to the next meeting of this Society."

" At a meeting held at the Crown and Anchor Tavern, Strand, Friday, 1st of June, 1792,

" PRESENT,

" Robert Merry, Esq; in the Chair.

" Mr. I. H. Tooke, Mr. Frost, Rev. Mr. Joyce, Mr. W. Sharpe, Mr. West, Mr. John Martin, Mr. M. Pearson, Lord Daer, Mr. Bonney, Mr. Rutt, Mr. Sturch, Mr. G. Williams, Mr. M. Bush, Capt. Tooke Harwood, Mr. I. Williams, Mr. A. Bush, Mr. B. Cooper, Mr. Lockhart, Mr. Aspinall, Mr. Watts, Mr. Favell, Mr. Kemble, Dr. Edwards, Mr. I. Adams, Mr. Balmano, Mr. Gerrard, Mr. Walshe.

" The Secretary reported that he had sent 1,200 of the printed bills, ordered at the last meeting, to the Sheffield Constitutional Society; 1,200 to the Norwich Constitutional Society;

ciety; to the Southwark Constitutional Society 200; to the London Corresponding Society 200; to Mr. Joyce, to be forwarded to Mr. Fox of Derby, 200; to the Constitutional Whigs 200; to the Society at Belpar 200.

Resolved, That the Secretary send to Mr. Joyce, to be forwarded to Birmingham, 600; to the Society at Aldgate 200; to Mr. Walker, of Manchester, 1,200; to Lord Daer, to be forwarded to Liverpool, 200; to Mr. Rutt, to be forwarded to Cambridge, 500; and 400 to Lord Sempil, to be distributed among the Societies in the neighbourhood of Glasgow."

(The following letter, from the London Corresponding Society, was read.)

" SIR,

Thursday, 31st May, 1792.

" The London Corresponding Society return thanks to the Society for Constitutional Information for the communication of Mr. Thomas Paine's letter to them, and of their resolutions subsequent thereto.

" It gives us infinite satisfaction to think that mankind will soon reap the advantage of Mr. Paine's labours, in a new and cheaper edition of the Rights of Man.

" We are however, no ways surpris'd at the report of a prosecution being commenced against his works, for, by the doctrine substituted for law in England, that truth constitutes the libel, the very many truths in both volumes of the Rights of Man, render them completely libellous; and force Administration, perhaps against their inclination, to submit them to the impartial investigation of competent judges.

" His Majesty's Proclamation next engages our notice: After reading it with great attention, we discard an idea thrown out by some, that it had been drawn up and sent forth, at this juncture, with a view of raising unfavourable prejudices in the minds of the people against Mr. Paine, or his works, now under a prosecution; inasmuch as such an attempt, if it could be proved, would not only bear malice on the face of it, but would likewise be a most daring violation of the laws.

" We

" We are more willing to discover therein his Majesty's great
 " goodness of heart and paternal care, anticipating our warmest
 " wishes, giving the greatest encouragement to our different So-
 " cieties, and holding forth the same strong desire with us of
 " *abiding by the Constitution in its pure and uncorrupt state; of*
 " *securing the public peace and prosperity; of preserving to*
 " *ALL the full enjoyment of their rights and liberties, both re-*
 " *ligious and civil; and seeming, in fact, to encourage them*
 " *under the most serious consideration of their own welfare, and*
 " *that of their posterity; to join us, and unite their endeavours*
 " *with ours in guarding against all attempts aiming at the sub-*
 " *version of wholesome and regular Government; and to discour-*
 " *age and repress, to the utmost of their power, all proceedings*
 " *tending to produce riots and tumults.*

" Our ends being thus uncontrovertibly the same, and there-
 " by enjoying the royal sanction, we imagine that in exercising
 " our right of meeting, when and where we please, of canvassing
 " such subjects as we think proper, of instructing our fellow
 " citizens, and of uniting our endeavours to obtain a perfect re-
 " presentation in Parliament, we are taking the truest method of
 " securing to ourselves and our posterity all the blessings of li-
 " berty and peace.

" Yielding to the Society for Constitutional Information,
 " both in priority of institution, and in greatness of abilities,
 " we yet put in our claim for equality of zeal towards the pub-
 " lic good, and firm determination to obtain it.

" We are, with great esteem, Sir,

" Your faithful, humble servants,

" MAURICE MARGAROT, Chairman.

" THOMAS HARDY, Secretary."

Addressed, " Major Cartwright, Chairman of the Society for
 " Constitutional Information."

" Ordered, That the said letter be published in such new-
 " papers as will receive the advertisements of this Society."

" At

" At a Meeting held at the Crown and Anchor Tavern,
" Strand, on Friday the 8th of June, 1792,

" PRESENT,

" Mr. Sturch in the chair.

" Mr. I. H. Tooke, Mr. Frost, Mr. Bonney, Colonel Miles,
" Dr. Maxwell, Mr. Hull, Mr. Sinclair, Mr. M. Pearson,
" Mr. Lockhart, Rev. Mr. Joyce, Mr. Favell, Mr. John
" Martin, Mr. Choppin, Captain Tooke Harwood, Mr.
" M. Bush, Mr. Jennings, Mr. Bahmanno, Mr. Aspinall,
" Mr. West, Mr. G. Williams, Mr. Bush, Mr. B. Cooper,
" Mr. Symonds, Mr. Tuffin, Mr. Fitzgerald, Mr. I. L.
" Batley, Mr. I. Adams.

" Resolved, That an open Committee of the Members of this
" Society meet at the Secretary's house, to-morrow, at two
" o'clock, to take into consideration Mr. Paine's letter, which
" is to be printed in the Argus of to-morrow; and that the
" Committee have power to transmit copies thereof to the diffe-
" rent Corresponding Societies in the country, if they shall think
" proper."

Mr. Attorney General. Your Lordship will find, from subse-
quent entries, that those words—"Paine's letter,"—means Mr.
Paine's letter to Mr. Dundas, given in evidence upon the former
trial, and which will be given in evidence again on this; and your
Lordship will find, in the book of accounts, a parcel to Nor-
wich, of Paine's letter to Mr. Dundas; a parcel to Sheffield; a
parcel to Glasgow; another parcel to Sheffield; another to Nor-
wich, &c. We will now read the proceedings of the Consti-
tutional Society, of the 25th of May, and the 15th of June,
1792.

" May 25, 1792.

" Read a paper called a Proclamation, dated 21st instant.

" Ordered, that the following resolutions, relating to the said
" paper, called a Proclamation, be published in all the new-
" papers."

" The

" The Society took into consideration a paper, generally circulated, under the name of a Proclamation; whereupon the Society came to the following resolutions :

" Resolved, That the great pains taken in the aforesaid circulated paper, to inform the people of their happiness, appears to this Society to be at least unnecessary; for, if the people are happy, they need not the information; and, if they are not so, it is not a Proclamation that will make them believe it."

" Resolved, That the people necessarily separated, for the purpose of following their several occupations, and attending to their domestic concerns, have a right to meet, associate, and communicate together, upon all matters relative to their common good; and it is a duty they reciprocally owe to each other, so to do."

" Resolved, That any publications, however denominated, which tend either directly, or by loose, general, and obscure expressions, to prohibit or controul the aforesaid right of association, or any other right, renders the exercise of that right the more necessary, and especially under the present circumstances, when the weight of taxes, and the excessive dearness of provisions, are subjects of general complaint; and an apprehension prevails, that a confederacy of Courts is formed, or forming, against the natural and civil rights of man."

" Resolved, That as it is a more grievous injury to kill than to defame, so is it in the opinion of this Society much worse, to repeal and expunge, than to vilify and bring into contempt the wise and wholesome provisions made for the preservation and security of the rights and liberties of the people."

" Resolved, That the provisions of an act of the sixth of William and Mary, chap. 2. " That from henceforth no Parliament whatsoever, that shall, at any time hereafter, be called, assembled, or held, shall have any continuance, any longer than for three years only, at the farthest, to be accounted from the day on which, by the writs of summons, the said Parliaments shall be appointed to meet."

“ Also, That the provision of 12 William III. chap. 2, that
 “ all matters and things relating to the well-governing of this
 “ kingdom, which are properly cognizable in the Privy Coun-
 “ cil, by the laws and customs of this realm, shall be transacted
 “ there; and all resolutions taken thereupon shall be signed by
 “ such of the Privy Council as shall advise and consent to the
 “ same.”

“ Also, That the further provision by the said act, that no
 “ person who has an office, or place of profit, under the King,
 “ or receives a pension from the Crown, shall be capable of
 “ serving as a member of the House of Commons.”

“ Resolved, That the foregoing were, in a great degree, wise
 “ and wholesome provisions, made for the preservation and se-
 “ curity of the rights and liberty of the people, which, notwith-
 “ standing, so far from being since strengthened and confirmed
 “ by subsequent laws, have, to our great mischief, been totally
 “ repealed and taken away.”

“ Resolved, That the monstrous enormity and grievance of the
 “ present national debt;

“ The grievous oppression of seventeen millions annually of
 “ taxes;

“ The scandalous duration of parliaments for seven years;

“ Private proprietors of boroughs, falsely pretending to be,
 “ and really acting as, Representatives of the People;

“ Judges claiming in all cases, and under all circumstances,
 “ the determination of the criminality or innocence of any act,
 “ exclusively of the jury; expensive armaments, and mena-
 “ cing proclamations and encampments, in time of a profound
 “ peace:

“ These things we cannot believe either wise or wholesome;
 “ and we declare it to be a fatal omission, at the time of the
 “ Revolution, that these things were not sufficiently guarded
 “ against; and we feel it our duty, to the utmost of our power,
 “ to obtain a full and fair representation of the people, which
 “ we hold to be the only effectual security for their rights,
 “ liberties, and property, and to be the only measure that can

“ produce

“ produce that due submission to the laws, and that just confidence in the integrity and wisdom of parliament, which are declared in the said paper, called a Proclamation, to be the chief causes (under Providence) of the wealth, the happiness, and the prosperity of the kingdom.”

“ Mr. Tooke, from the Committee appointed at the last meeting, to enquire relative to the rumour of a prosecution against Mr. Paine, desired time to make their report till a future meeting.”

“ At a Meeting, held on Friday, the 15th of June, 1792, at the Crown and Anchor Tavern, Strand,

“ PRESENT,

“ I. H. Tooke, Esq; in the chair.

“ Mr. Simmonds, Mr. Bonney, Mr. Frost, Mr. M. Pearson, Mr. W. Sharpe, Mr. C. Hull, Mr. Williams, Mr. Martin, Mr. Lockhart, Mr. Bush, Mr. A. Bush, Mr. Chopin, Mr. Wood, Mr. Chatfield, Rev. Mr. Joyce, Dr. Edwards, Mr. G. Williams, Mr. Sinclair, Mr. Sturch, Mr. Fitzgerald, Lord Daer, Mr. Aspinall, Colonel Miles, Mr. Walfsh, Mr. Cooper.

“ Read a letter from the London Corresponding Society, stating, that they had opened a subscription for the defence of Mr. Paine, and that they wished six of their members might be associated with this Society.

“ Ordered, That the secretary be desired to inform the secretary of the London Corresponding Society, that this Society receive their proposal with pleasure; and are willing to admit such six of the members whom they shall nominate, to be associated members of this Society.”

“ Resolved, That a Subscription be opened in this Society, for the benefit of Mr. Thomas Paine, author of the Rights of Man.”

“ Resolved, That the letter of the London Corresponding Society, and the two last resolutions, be published in the newspapers.”

" Resolved, That 12,000 copies of Mr. Paine's letter to
 " Mr. Secretary Dundas, be printed by this Society, for the
 " purpose of being transmitted to our correspondents through-
 " out Great Britain ; and that a committee be appointed to direct
 " the same."

" Resolved, That the said Committee consist of Mr. Tooke,
 " Mr. Sturch, Mr. Chatfield, Rev. Mr. Joyce, Mr. Simmonds,
 " and Mr. Frost."

" Resolved, That the subscription for the benefit of Mr. Paine,
 " opened by this society, be paid into the hands of the Treasurer
 " of this society."

Mr. Bower. Here is the original minute of these proceedings.
 I will prove they are Mr. Tooke's hand-writing.

Mr. Maclean. I found this paper in the possession of Mr.
 Adams.

Mr. Bower. Mr. Woodfall, whose hand-writing do you be-
 lieve this paper to be ?

Mr. William Woodfall. I believe this to be Mr. Tooke's hand-
 writing.

(The rough draught of the Minutes was read.)

Mr. Daniel Adams called again.

Mr. Bower. Whether this book of accounts contains an ac-
 count of your expenditure, for the use of the Constitutional
 Society ?

A. Yes, it does.

Q. There are some marginal notes there—" returned by the
 " Oracle"—and other papers ; are those minutes of your making ?

A. They are.

Q. Were they made because the papers were so returned from
 the publishers of these newspapers ?

A. Yes, they declined inserting them in their papers.

Q. Does this book contain a true account of your expenditures
 for the use of that Society ?

A. It does.

Mr. Bower. Look at the entry of a meeting, on the 22d of July, 1792; where was that meeting held?

A. At my house.

Q. Is that an entry of a meeting that was held at that time?

A. It is.

Q. And the names of the parties appearing there were persons present at some part of the evening?

A. Some part of the evening they were.

Mr. Gibbs. What is this entry?

Lord Chief Justice Eyre. It is an entry which was read last night, *de bene esse*, Mr. Adams not being here to prove it, by some means, in going through the general account, he missed that meeting.

(The following entry was read from the book of the Society for Constitutional Information.)

“ At a meeting held at the Crown and Anchor Tavern, on
“ Friday, 22d of June, 1792,

“ PRESENT,

“ Mr. Frost in the Chair.

“ Dr. Edwards, Mr. C. Sharpe, Mr. Paine, Mr. I. H. Tooke,

“ Dr. Maxwell, Rev. Mr. Joyce, Mr. Bonney, Mr. I. Joyce,

“ Lord Sempill, Mr. Sturch, Mr. Jennings, Mr. M. Bush,

“ Mr. Bush, Mr. Rutt, Mr. Williams, Mr. Balmanno,

“ Mr. Bakewell, Mr. G. Williams, Mr. Chatfield, Mr.

“ Watts, Mr. I. Martin, Mr. Sinclair.

“ Mr. Tooke reported that an information was filed against
“ Mr. Paine, for his publication of the Rights of Man.”

“ Ordered, That the subscription entered into for the benefit
“ of Mr. Thomas Paine, be entered in a separate part of the
“ book, and kept open for the members of this Society.”

“ It was stated to the Society that Mr. Favell having a great
“ many similar concerns on his hands, wished to be excused from
“ receiving the subscriptions on Mr. Paine’s account.”

“ Resolved, That the subscriptions be received by Mr. Bon-
“ ney, Mr. Paine’s Solicitor.”

“ Mr. Sturch reported that the Committee, appointed to circulate Mr. Paine’s letter, to Mr. Dundas, had obtained an estimate for printing 12,000, which amounted to 25*l*.”

“ Ordered, That 12,000 copies of the said letter be printed, according to the estimate reported.”

“ Resolved, That the same Committee be requested to meet on this day sevensnight, at four o’clock, at this place, to consider of the best means of circulating the same.”

Thomas Chapman, called again.

Examined by *Mr. Garrow*.

Q. Last night you gave an account of your printing the first part of Paine’s Rights of Man—be so good as look at the second part—Did you print any part of that by Mr. Paine’s orders?

A. Not of this book.

Q. You mean not that particular book?

A. Not that particular book.

Q. Did you print up to any extent, and to what page of the second part of the Rights of Man, for Mr. Paine—Look at this copy, it is one I had occasion to shew you a few days ago—Did you print any part of that for Mr. Paine?

A. This is not the copy you gave me before: I did not print this particular book; I am certain this is not the book, because this is the third edition.

(Another copy shewn to the witness.)

A. This is not mine.

Mr. Garrow. You told us, in the course of your evidence in this cause, that you printed the first part of the Rights of Man for Mr. Paine?

A. Yes.

Q. Did you see Mr. Paine upon the subject of any publication called the second part of the Rights of Man?

A. I did.

Q. Did you print any part of that work for him?

A. I did.

A. I did.

Q. Up to what page?

A. Up to page 128, I think.

Q. When you had printed so far, did any thing pass which broke off the connection, in business, between you and Mr. Paine?

A. Yes.

Q. Do you know, from your own knowledge, or from Mr. Paine, who was applied to to go on with that publication?

A. From particular circumstances I know that Mr. Bensley was applied to.

Q. Do you know, in point of fact, who took up the printing from where you left off.

A. I do not.

Q. The book, you have in your hand, appears to be published by Jordan?

A. It does.

Jeremiah Samuel Jordan, (sworn)

Examined by Mr. Garrau.

Q. You are a bookseller?

A. Yes.

Q. Do you recollect publishing the Rights of Man for Mr. Paine?

A. Yes.

Q. Did you deliver any copies of that work, at any time, to Mr. White?

A. I do not recollect.

Q. Try to recollect yourself, and tell me whether, upon that occasion, you did or not give Mr. White a copy of that work?

A. I cannot recollect—it is two years since—and I have not the least recollection upon the subject, whether I did or not.

Q. Look at that book, and tell me whether you believe that to be one published by you?

A. I do not think this was published by me.

Q. Look at it?

A. I do not believe it was published by me.

Q. Why?

A. Because I see there is my own writing upon the title; it was bought from another person.

Q. Have you any doubt that it was once in your possession?

A. It was in my possession undoubtedly.

Q. But you did not print it?

A. No; nor I did not sell this book.

Q. Did you buy it?

A. A person bought it for me?

Q. Who did you receive it from?

A. From a Mr. Huntley, I see.

Q. Who is he?

A. He lives, I believe, in Duke-street, Grosvenor-square.

Q. As you did not sell it, perhaps you gave it away?

A. It is likely I did.

Q. Seeing your own hand-writing upon it, and recollecting you had some conversation with Mr. White upon the second part of the Rights of Man, have you the least doubt, upon your oath, that you gave Mr. White that book?

A. I cannot say; I rather think I might.

Mr. Garrow. Rather think you might!

A. I cannot be positive; I do not recollect the circumstance.

Q. What is in your hand-writing?

A. "Bought of Mr. Johnson, February 18th, 1792, by Mr. Huntley."

Q. This is a memorandum of your own?

A. Yes.

Q. Upon what occasion did you make that memorandum?

A. Because I was desirous to know whether Mr. Johnson had sold any.

Q. That desire could not have led you to make that memorandum?

A. It was to be certain that Mr. Johnson had sold it.

Q. Upon what occasion did you make that memorandum?

A. Because I understood my name was put to it, and therefore I did not expect that Mr. Johnson would sell them.

Q. You

Q. You thought Mr. Johnson would not sell the book with your name to it?

A. Yes.

Q. Was your name put to it without your consent?

A. It was not.

Q. Your consent was given, then, to put your name to that?

A. Yes.

Q. You say you did not publish that book—you do not call giving a book away publishing a book—publishing is selling?

A. Yes; though I published a great number of the books, I did not publish this, because I did not sell it.

Q. Did you publish any of which this is a copy?

A. I did.

Q. Have you any doubt that you published some of which this is one copy?

A. Not at all.

Q. Who did you publish them for?

A. For Mr. Paine.

Q. Had you communications with Mr. Paine upon the subject of the publication?

A. Very little; I had some conversation with him.

Q. Was there any profit?

A. Yes.

Q. Was there any account to be rendered?

A. Yes.

Q. Had you any account, upon the subject of that publication, with Mr. Paine, or with Mr. Tooke?

A. With Mr. Paine.

Q. Do you know Mr. Horne Tooke?

A. Yes.

Q. Did you ever see him upon the subject of the publication of that second part of the Rights of Man?

A. I do not recollect upon the second part.

Q. Endeavour to recollect yourself?

A. When the action was commencing against me, I went to Mr. Tooke.

Q. I suppose the prosecution you mean?

A. Yes;

A. Yes; for publishing the second part of the Rights of Man—I went, according to orders, to Mr. Tooke.

Q. Did you communicate to him that you came in consequence of orders?

A. In consequence of a letter which I received from Mr. Paine.

Q. Did that letter direct you to go to Mr. Tooke?

A. I do not recollect that it did.

Q. You told me you went, in consequence of an order, to Mr. Tooke?

A. In consequence of an order from Mr. Paine to Mr. Tooke, expecting to meet Mr. Paine there.

Q. Did you meet Mr. Paine there?

A. I did.

Q. Was Mr. Tooke there too?

A. He was.

Q. Recollect what passed when Mr. Paine and Mr. Tooke were present?

A. I cannot say; Mr. Tooke and I had a little dispute about my being timid, in consequence of the action.

Q. Having a sort of dispute enables one to recollect the conversation more than when one has no dispute—What was the conversation?

A. Mr. Tooke seemed angry that I was timid, and was doubtful of leaving the action with Mr. Bonney.

Q. Had it been before that settled that Mr. Bonney should defend you upon that prosecution?

A. I saw Mr. Bonney at that time at Mr. Tooke's.

Q. Who else was present?

A. Mr. King, that is an attorney I took with me; I was rather timid, and was not satisfied with Mr. Paine's proceedings; I was rather fearful; I therefore took the gentleman recommended to me, Mr. King, an attorney, as a witness. I really cannot recollect what passed.

Q. Was any body else there?

A. Only Mr. Tooke and Mr. Bonney.

Q. You was fearful, you say, of trusting Mr. Bonney with your defence?

A. I was

A. I was rather fearful.

Q. Can you recollect what Mr. Tooke said to you upon that subject.

A. He said Mr. Paine had employed Mr. Bonney for the defence; I might go home about my business, and rest satisfied that Mr. Bonney would take care of the business.

Q. That is one of the edition of the book, is it?

A. I cannot say it is.

Q. Perhaps I am in an error as to the edition?

A. This is not the same edition.

Mr. Erskine. How do you know that this is one of the copies?

A. Because there is my own hand-writing on this book.

Mr. Erskine. How did you know that it was a copy when you put your writing on it, you only guessed it then, I suppose, as you do now?

A. Yes.

Mr. Garrow. Was this one of the copies of that work which you had for publication?

A. No; this was never in my house, I believe, till I bought it.

Q. Not that particular book?

A. No; not that particular book.

Jeremiah Samuel Jordan.

Cross-examined by *Mr. Erskine.*

Q. You went and bought that book?

A. I sent for it.

Q. And when you had bought it you put your name upon it, as a proof that it was the book you bought?

A. Yes.

Q. How do you know that the book you bought was the book which you yourself had published?

A. No; I cannot say that—this book never was in my house till I bought it—that I can swear to.

Mr. Garrow. Look at this (*showing the witness another copy*) to use your own sense of the word *publish*, did you publish that?

A. I cannot say to this very book, I published a number of a book like this.

Q. Had those which you and Johnson sold, published by you, your name upon them—Had the work the general appearance which this has?

A. Yes.

Q. Was it printed in that manner?

A. Yes.

Q. On that letter, of that size, and that sort of paper?

A. I cannot say so particularly, because the paper is rather mixed.

Q. You are a considerable bookseller, I suppose?

A. I sell a number of books.

Q. Do you know of any other of Mr. Paine's Rights of Man, the Second Part, that has passed through your hands as a bookseller, of that size and appearance, except those published by you?

A. I have seen another edition.

Q. The cheap edition?

A. No; another octavo edition—"printed for D. Jordan, "Piccadilly."

Q. Have you seen any with J. S. Jordan, of that size, that were not published by you?

A. No; I have seen a small edition,

Mr. Erskine. You know no more of that than you do of the other book?

Mr. Garrou. We propose to read them upon this evidence.

Mr. Erskine. It is not our object at all to argue it.

Lord Chief Justice Eyre. It was read substantially upon the same evidence before.

Mr. Erskine. All I say is, I do not think myself the least interested about it, I submit that it is not evidence.

Lord Chief Justice Eyre. The question was mooted before, and the Court was of opinion, in respect of a book published through the town, that this was a reasonable evidence to go to the Jury, that it was the same book.

(Several

(Several extracts from the *Rights of Man, Part the Second*, were read.)

[*Vide Hardy's Trial*, vol. ii. page 17.]

Mr. Tooke. I believe I have likewise a right to desire an extract to be read out of that book—it will be a little preposterous, but not the less suitable to this sort of evidence—I beg that the preface may be read.

(*The Preface was read.*)

[*Vide Hardy's Trial*, vol. ii. page 22.]

(*The following entries were read from the books of the Society for Constitutional Information.*)

" At a meeting at the Crown and Anchor Tavern, Strand,
" Friday, 29th of June, 1792.

" PRESENT,

" Dr. Edwards, in the chair.

" Lord Sempill, Mr. I. H. Tooke, Mr. Frost, Mr. Choppin,

" Mr. W. Sharpe, Mr. Bonney, Mr. Hull, Mr. Bush, Mr.

" Sturch, Mr. Sutton, Mr. Williams, Mr. Chatfield, Rev.

" Mr. Joyce, Mr. G. Williams, Captain T. Harwood, Mr.

" Sinclair, Mr. Fitzgerald, Mr. A. Bush, Mr. Balmanno,

" Mr. Watts, Dr. Kentish.

" Mr. Sturch reported from the Committee appointed to consider of the best means of circulating Mr. Paine's Letter to Mr. Secretary Dundas, that they were of opinion the letters should be sent as follows :

" 250 Rev. Mr. Morris, Great Yarmouth.

" 100 Mr. Notcutt, Ipswich, Suffolk.

" 100 Rev. Mr. Rowe, Shrewsbury.

" 150 Mr. Sampson Kingsford, Canterbury.

" Sent to Mr. Joyce.

- " 1200 Mr. Thomas Walker, Manchester.
 - " 1200 Mr. Goff, Norwich.
 - " 1200 Mr. Ashton, Sheffield.
 - " 200 Mr. Fox, Derby.
 - " 100 Mr. Logsdon, Cheshunt, Herts.
 - " 100 Editor of the Leicester Herald, Leicester.
 - " 150 Rev. Mr. Edwards, Birmingham.
- " Sent by coach.

-
- " 200 Exeter.
 - " 100 Mr. Hazlett, Weymouth.
- " Sent to Mr. Puller's, leather-feller, Long Acre.

-
- " 400 Mr. Audley, Cambridge.
 - " 200 Mr. Nash, Royston.
- " Sent by Mr. Rutt, Thames-street.

-
- " 200 London Corresponding Society; sent to Mr. Hawes.
 - " 50 Aldgate Society; sent to the Mitre.
 - " 50 Constitutional Whigs; sent to Mr. Conner.
 - " 6 Mr. Lambton; sent to him.
 - " 6 Mr. Whitbread; sent to him.
 - " 200 Friends of the People, Borough; sent to Mr. Favell.
 - " 100 Mr. Bush; sent to him.
 - " 300 Mr. Pearson, and Mr. Balmanno; sent to them.
 - " 400 Lord Sempill, Glasgow.

-
- " 100 Mr. Thomas Francis, Birmingham.
 - " 100 Rev. Mr. Martin.
 - " 100 Rev. Mr. Joyce; Lord Stanhope's.
 - " 100 Mr. Frost, Spring Gardens.
 - " 100 Rev. Mr. Potticary, Isle of Wight.
 - " 100 Rev. Mr. Toulmin, Taunton.
 - " 100 Rev. Mr. Corrie, Broomsgrove.
 - " 100 Rev. Mr. Wyche, Maidstone.
 - " 200 Mr. Rutt, Thames-street.

" 200 Rev. Mr. Lloyd, Suffex.

" 100 Rev. Mr. Mills, Portsmouth.

" Sent to Mr. Sturch, and by him sent to the diffe-

" rent persons.

" 700 Mr. Johnson, St. Paul's Church-Yard, for different

" parts of the Country.

" 8962

" Ordered, That the Letter be circulated agreeable to the
" report of the Committee."

" At a meeting of the Society held at the Crown and Anchor
" Tavern, Strand, Friday, 6th July, 1792.

" PRESENT,

" Mr. Sturch, in the chair.

" Mr. Chatfield, Mr. I. Martin, Lord Sempill, Mr. Frost,

" Mr. Simmonds, Rev. Mr. Joyce, Mr. Bonney, Mr.

" Brookbank, Colonel Keating, Mr. M. Pearson, Mr. W.

" Sharpe, Mr. Bush, Mr. Balmanno, Mr. Jennings, Mr.

" Hull, Mr. I. H. Tooke, Captain Tooke Harwood, Mr.

" Bakewell, Mr. Hind, Mr. G. Williams, Mr. Lockhart,

" Mr. I. Williams, Mr. Sutton, Mr. Watts, Mr. Walsh,

" Mr. Campbell, Mr. I. Adams, Mr. Barlow, Dr. Ken-

" tish.

" Read a letter from the London Corresponding Society, re-
" turning thanks for the communication of this Society, and
" forwarding the following names as proper persons to be
" elected associated members of this Society: Mr. Hardy, Mr.
" Margarot, Mr. Richter, Mr. Littlejohn, Mr. Grant, and
" Mr. Gow."

Mr. Maclean. I found this letter among Mr. Adams's papers.

(A letter

(A Letter signed Thomas Hardy, Secretary, addressed to Mr. D. Adams, dated July 6, 1792, read.)

[Vide Hardy's Trial, vol. I. page 416.]

Mr. Lauzun. This is one of the books I found at Mr. Hardy's house.

(It was read.)

“MR. PAINE’S BETTER

“TO

“Mr. Secretary DUNDAS.

“SIR,

“London, June 6, 1792.

“As you opened the debate in the House of Commons,
“May 25th, on the Proclamation for suppressing Publications,
“which that Proclamation (without naming any) calls wicked
“and seditious, and as you applied those opprobrious epithets
“to the works entitled RIGHTS OF MAN, I think it un-
“necessary to offer any other reason for addressing this Letter to
“you.

“I begin, then, at once, by declaring, that I do not be-
“lieve there are to be found in the writings of any author,
“ancient or modern, on the subject of Government, a spirit
“of greater benignity, and a stronger inculcation of moral
“principles than in those which I have published. They
“come, Sir, from a man who, by having lived in different
“countries, and under different systems of Government, and
“who, being intimate in the construction of them, is a better
“judge of the subject than it is possible that you, from the want
“of those opportunities, can be;—and besides this, they come
“from a heart that knows not how to beguile.

“I will further say, that when that moment arrives in
“which the best consolation that shall be left will be that
“of looking back on some past actions, more virtuous, more
“meritorious than the rest, I shall then with happiness re-
“member among other things, I have written the RIGHTS

“OF

" OF MAN.—As to what Proclamations, or Prosecutions, or
 " Place-men, or Place expectants—those who possess, or those
 " who are gaping for office, may say of them, it will not alter
 " their character, either with the world or with me.

" Having, Sir, made this declaration, I shall proceed to
 " remark, not particularly upon your own Speech on that
 " occasion, but on any other Speech to which your Motion
 " on that day gave rise; and I shall begin with that of Mr.

" ADAM,

" This Gentleman accuses me of *not* having done the very
 " thing that *I have done*, and which (he says) if I *had* done, he
 " should not have accused me.

" Mr. ADAM in his Speech, (see the Morning Chronicle
 " of May 26) says, ' That he had well considered the subject
 " of Constitutional Publications, and was by no means ready to
 " say (but the contrary) that books of science upon Govern-
 " ment, though recommending a doctrine or system different
 " from the form of our Constitution, (meaning that of England)
 " were fit objects of prosecution; that if he did, he must con-
 " demn (which he meant not to do) HARRINGTON for his
 " Oceana, Sir THOMAS MORE for his Eutopia, and HUME for
 " his idea of a perfect Commonwealth. But, (continued Mr.
 " ADAM) the Publication of Mr. PAINE was very different, for
 " it reviled what was *most sacred* in the Constitution, destroyed
 " every principle of subordination, and *established nothing in*
 " *their room.*'

" I readily perceive that Mr. ADAM had not read the *Se-*
 " *cond Part of Rights of Man*, and I am put under the necessity,
 " either of submitting to an erroneous charge, or of justifying
 " myself against it; and I shall certainly prefer the latter.—If
 " then I shall prove to Mr. ADAM that, in my reasoning upon
 " systems of Government in the second part of *Rights of Man*,
 " I have shewn, as clearly, I think, as words can convey ideas,
 " a certain system of Government; and that not existing in
 " theory only, but already in full and established practice, and
 " systematically and practically free from all the vices and de-
 " fects of the English Government, and capable of producing
 " VOL. I. Q more

" more happiness to the People, and that also with an eightieth
 " part of the Taxes, which the present System of English
 " Government consumes; I hope he will do me the justice,
 " when he next goes to the House to get up and confess, he had
 " been mistaken in saying, that I had *established nothing*, and
 " *that I had destroyed every principle of subordination*. Having
 " thus opened the case, I now come to the point.

" In the Second Part of *RIGHTS OF MAN*, I have
 " distinguished Government into two classes or systems; the
 " one the hereditary system; the other the representative
 " system.

" In the First Part of *Rights of Man*, I have endeavoured
 " to shew, and I challenge any man to refute it, that there
 " does not exist a right to establish Hereditary Government;
 " or, in other words, Hereditary Governors; because Here-
 " ditary Government always means a Government yet to
 " come, and the case always is, that the People who are to
 " live afterwards, have always the same right to chuse a go-
 " vernment for themselves, as the People had who lived before
 " them.

" In the Second Part of *Rights of Man*, I have not re-
 " peated those arguments, because they are irrefutable; but
 " have confined myself to shew the defects of what is called
 " Hereditary Government, or Hereditary Succession; that it
 " must, from the nature of it, throw Government into the
 " hands of men totally unworthy of it, from want of princi-
 " ple, or unfitted for it from want of capacity—JAMES the Sec-
 " ond is recorded as an instance of the first of these cases; and
 " instances are to be found almost all over Europe to prove the
 " truth of the latter.

" To shew the absurdity of the Hereditary System still more
 " strongly, I will now put the following case:—take any fifty
 " men promiscuously, and it will be very extraordinary, if out
 " of that number, one man should be found, whose princi-
 " ples and talents taken together, (for some might have prin-
 " ciples, and others have talents) would render him a person
 " truly fitted to fill any very extraordinary office of National
 " Trust.

" Trust. If then such a fitness of character could not be
 " expected to be found in more than one person out of fifty,
 " it would happen but once in a thousand years to the eldest
 " son of any one family, admitting each, on an average, to
 " hold the office twenty years. Mr. ADAM talks of something
 " in the Constitution which he calls *most sacred*; but I hope
 " he does not mean hereditary succession, a thing which appears
 " to me a violation of every order of Nature and of Common
 " Sense.

" When I look into history and see the multitude of men,
 " otherwise virtuous, who have died, and their families been
 " ruined, in defence of knaves and fools, and which they would
 " not have done had they reasoned at all upon the system;
 " I do not know a greater good that an individual can render
 " to mankind, than to endeavour to break the chains of poli-
 " tical superstition. Those chains are now dissolving fast, and
 " proclamations and prosecutions will serve but to hasten that
 " dissolution.

" Having thus spoken of the Hereditary System as a bad
 " system, and subject to every possible defect; I now come to
 " the Representative System; and this Mr. ADAM will find
 " stated in the second part of Rights of Man, not only as the best,
 " but as the only *Theory* of Government under which the liber-
 " ties of a people can be permanently secure.

" But it is needless now to talk of mere Theory, since
 " there is already a Government in full practice; established
 " upon that Theory, or in other words, upon the Rights of
 " Man, and has been so for almost twenty years. Mr. PITT,
 " in a speech of his some short time since, said, ' That there
 " never did, and never could exist, a Government established
 " upon those Rights, and that if it began at noon, it would
 " end at night.' Mr. PITT is not yet arrived at the degree
 " of a school-boy in this species of knowledge. His practice
 " has been confined to the means of *extorting revenue*, and
 " his boast has been—*how much*? Whereas the boast of the
 " System of Government that I am speaking of, is not how much,
 " but how little.

“ The System of Government purely representative, unmixt
 “ with any thing of hereditary nonsense, began in America. I
 “ will now compare the effects of that system of Government
 “ with the system of Government in England, both during, and
 “ since the close of the war.

“ So powerful is the Representative System; first, by combin-
 “ ing and consolidating all the parts of a country together,
 “ however great the extent; and secondly, by admitting of
 “ none but men properly qualified into the Government, or
 “ dismissing them if they prove to be otherwise, that America
 “ was enabled thereby totally to defeat and overthrow all the
 “ schemes and projects of the Hereditary Government of Eng-
 “ land against her. As the establishment of the Revolution and
 “ Independence of America is a proof of this fact, it is needless
 “ to enlarge upon it.

“ I now come to the comparative effect of the two Systems
 “ since the close of the war, and I request Mr. ADAM to attend
 “ to it.

“ America had internally sustained the ravage of upwards
 “ of seven years of war, which England had not. England
 “ sustained only the expence of the war; whereas America
 “ sustained, not only the expence, but the destruction of prop-
 “ erty committed by *both* armies. Not a house was built
 “ during that period, and many thousands were destroyed. The
 “ farms and plantations along the coast of the Country, for
 “ more than a thousand miles, were laid waste. Her commerce
 “ was annihilated. Her ships were either taken or had rotted
 “ within her own harbour. The credit of her funds had fallen
 “ upwards of ninety per cent. that is, an original hundred pounds
 “ would not sell for ten pounds. In fine, she was apparently
 “ put back an hundred years when the war closed; which was
 “ not the case with England.

“ But such was the event, that the same Representative
 “ System of Government, though since better organized, which
 “ enabled her to conquer, enabled her also to recover; and she
 “ now presents a more flourishing condition, and a more happy
 “ and harmonized society under that system of Government,
 “ than

" than any country in the world can boast under any other.
 " Her towns are rebuilt, much better than before; her com-
 " merce is spread over the world, and her funds have risen from
 " less than ten pounds the hundred to upwards of one hundred
 " and twenty. Mr. PITT, and his colleagues, talk of the
 " things that have happened in his boyish Administration
 " without knowing what greater things have happened elsewhere,
 " and under other systems of Government.

" I next come to state the expence of the two systems, as
 " they now stand in each of the countries; but it may first be
 " proper to observe, that Government in America is what it
 " ought to be, a matter of honour and trust, and not made a
 " trade of for the purpose of lucre.

" The whole amount of the nett taxes in England (exclu-
 " sive of the expence of collection, of drawbacks, of seizures
 " and condemnations, of fines and penalties, of fees of office,
 " of litigations and informers, which are some of the blessed
 " means of enforcing them) is, seventeen millions. Of this sum,
 " about nine millions go for the payment of the interest of the
 " National Debt, and the remainder, being about eight millions,
 " is for the current annual expences. Thus much for one side
 " of the case. I now come to the other.

" The expence of all the several departments of the Ge-
 " neral Representative Government of the United States of
 " America, extending over a space of country nearly ten
 " times larger than England, is two hundred and ninety-
 " four thousand, five hundred and fifty-eight dollars, which,
 " at 4s. 6d. per dollar, is 66,275l. 11s. sterling, and is thus
 " apportioned :

Expence of the Executive Department.

" The Office of the Presidency, at which the Presi-	£.	s.
" dent receives nothing for himself	5,625	0
" Vice President	1,125	0
" Chief Justice	900	0
<hr/>		
Carried over	7,650	0

	Brought over	7,650 0
" Five associate Justices - - - -		3,937 10
" Nineteen Judges of Districts and Attorney General		6,873 15

" Legislative Department.

" Members of Congress at six dollars (1l. 7s.) per		
" day, their Secretaries, Clerks, Chaplains, Messen-		
" gers, Door-keepers, &c. - - -		25,515 0

" Treasury Department.

" Secretary, Assistant, Comptroller, Auditor, Trea-		
" surer, Register, and Loan-Office-Keeper, in each		
" State, together with all necessary Clerks, Office-		
" Keepers, &c. - - - -		12,825 0

" Department of State, including Foreign Affairs.

" Secretary, Clerks, &c. &c. - - -		1,406 5
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" Department of War.

" Secretary, Clerks, Paymasters, Commissioners, &c.		1,462 10
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" Commissioners for settling Old Accounts.

" The whole Board, &c. - - -		2,598 15
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" Incidental and Contingent Expenses.

" For Fire-Wood, Stationary, Printing, &c. -		4,006 16
--	--	----------

Total 66,275 11

" On account of the incursions of the Indians on the back settlements, Congress is at this time obliged to keep six thousand militia in pay, in addition to a regiment of foot, and a battalion of artillery, which it always keeps; and this increases the expence of the War Department to 390,000 dollars, which is 87,795l. sterling, but when Peace shall be concluded with the Indians, the greatest part of the expence will cease, and the total amount of the expence of Government, including that of the army, will not amount to one hundred thousand pounds sterling, which, as has been already ready

“ ready stated, is but an eightieth part of the expences of the
 “ English Government.

“ I request Mr. ADAM and Mr. DUNDAS, and all those
 “ who are talking of Constitutions, and blessings, and Kings,
 “ and Lords, and the Lord knows what, to look at this state-
 “ ment. Here is a form and system of Government, that is
 “ better organized and better administered than any Govern-
 “ ment in the world, and that for less than one hundred thou-
 “ sand pounds per annum, and yet every Member of Congress
 “ receives, as a compensation for his time and attendance on
 “ public business, one pound seven shillings per day, which is
 “ at the rate of nearly five hundred pounds a year.

“ This is a Government that has nothing to fear. It needs
 “ no Proclamation to deter people from writing and reading.
 “ It needs no political superstition to support it. It was by
 “ encouraging discussion, and rendering the press free upon all
 “ subjects of Government, that the principles of Government
 “ became understood in America, and the people are now en-
 “ joying the present blessings under it. You hear of no riots,
 “ tumults, and disorders in that country; because there exists
 “ no cause to produce them. Those things are never the ef-
 “ fect of Freedom, but of restraint, oppression, and excessive
 “ taxation.

“ In America there is not that class of poor and wretched
 “ people that are so numerously dispersed all over England,
 “ and who are to be told by a Proclamation, that they are
 “ happy; and this is in a great measure to be accounted for, not
 “ by the difference of Proclamations, but by the difference
 “ of Governments and the difference of Taxes between that
 “ country and this. What the labouring people of that country
 “ earn they apply to their own use, and to the education of
 “ their children, and do not pay it away in Taxes as fast as
 “ they earn it, to support Court-extravagance, and a long
 “ enormous list of Placemen and Pensioners; and besides this,
 “ they have learned the manly doctrine of reverencing them-
 “ selves, and consequently of respecting each other; and they

" laugh at those imaginary beings called Kings and Lords, and
 " all the fraudulent trumpery of Courts.

" When Placemen and Pensioners, or those who expect to
 " be such, are lavish in praise of a Government, it is not a
 " sign of its being a good one. The pension-list alone, in
 " England, (see Sir JOHN SINCLAIR's History of the Revenue,
 " page 6, of the Appendix) is One Hundred and Seven Thou-
 " sand Four Hundred and Four Pounds, which is more than
 " the expences of the whole Government of America amount to.
 " And I am now more convinced than before, that the offer
 " that was made to me of a Thousand pounds, for the copy-
 " right of the Second Part of *Rights of Man*, together with
 " the remaining copy-right of the First Part, was to have ef-
 " fected, by a quick suppression, what is now attempted to be
 " done by a Prosecution. The connection which the person
 " who made that offer has with the King's Printing Office, may
 " furnish part of the means of enquiring into this affair, when
 " the Ministry shall please to bring their Prosecution to issue.
 " But to return to my subject—

" I have said in the Second Part of *Rights of Man*, and I
 " repeat it here, that the service of any man, whether called
 " King, President, Senator, Legislator, or any thing else, can-
 " not be worth more to any country, in the regular routine of
 " office, than Ten thousand pounds per Annum. We have a
 " better man in America, and more of a Gentleman than any
 " King I ever knew of, who does not occasion even half that
 " expence; for though the salary is fixed at 5625l. he does not
 " accept it, and it is only the incidental expences that are paid
 " out of it. The name by which a man is called is, of itself,
 " but an empty thing. It is worth and character alone which
 " can render him valuable, for without these, Kings, and Lords,
 " and Presidents, are but jingling names.

" But without troubling myself about Constitutions of Go-
 " vernment, I have shewn in the Second Part of *Rights of*
 " *Man*, that an alliance may be formed between England,
 " France, and America, and that the expences of Govern-
 " ment

" ment in England may be put back to one million and an
 " half, viz.

" Civil expence of Government,	£.500,000
" Army,	500,000
" Navy,	500,000
	<hr/>
	" 1,500,000

" And even this sum is fifteen times greater than the expences
 " of Government are in America; and it is also greater than
 " the whole peace establishment of England amounted to about
 " an hundred years ago. So much has the weight and op-
 " pression of taxes encreased since the Revolution, and especially
 " since the year 1714.

" To shew that the sum of 500,000l. is sufficient to defray
 " all the civil expences of Government, I have, in that work,
 " annexed the following estimate for any country of the same
 " extent as England.

" In the first place, three hundred Representatives, fairly
 " elected, are sufficient for all the purposes to which Legislation
 " can apply, and preferable to a larger number.

" If then an allowance, at the rate of five hundred pounds
 " per ann. be made to every Representative, deducting for non-
 " attendance, the expence, if the whole number attended six
 " months each year, would be - - - 75,000

" The Official Departments could not possibly exceed
 " the following number with the salaries annexed,
 " viz.

" Three offices,	at 10,000l. each,	-	30,000
" Ten ditto,	at 5,000l. each,	-	50,000
" Twenty ditto,	at 2,000l. each,	-	40,000
" Forty ditto,	at 1,000l. each,	-	40,000
" Two hundred ditto,	at 500l. each,	-	100,000
" Three hundred ditto,	at 200l. each,	-	60,200
" Five hundred ditto,	at 100l. each,	-	50,000
" Seven hundred ditto,	at 75l. each,	-	52,500

" £. 497,500

" If

“ If a nation chose, it might deduct four per cent from all
 “ the offices, and make one of twenty thousand pounds per
 “ annum, and stile the person who should fill it, King, or Ma-
 “ jesty, or Madjesty, or give him any other title.

“ Taking, however, this sum of one million and an half, as
 “ an abundant supply for all the expences of Government un-
 “ der any form whatever, there will remain a surplus of nearly
 “ six million and a half out of the present Taxes, after paying
 “ the interest of the National Debt; and I have shewn in the
 “ Second Part of *Rights of Man*, what appears to me, the best
 “ mode of applying the surplus money; for I am now speak-
 “ ing of expences and savings, and not of systems of Govern-
 “ ment.

“ I have, in the first place, estimated the poor-rates at two
 “ millions annually, and shewn that the first effectual step
 “ would be to abolish the poor-rates entirely, (which would be
 “ a saving of two millions to the house-keepers) and to remit
 “ four millions out of the surplus taxes to the poor, to be paid
 “ to them in money in proportion to the number of children in
 “ each family, and the number of aged persons.

“ I have estimated the number of persons of both sexes in
 “ England of fifty years of age and upwards at 420,000, and
 “ have taken one third of this number, viz. 140,000, to be poor
 “ people.

“ To save long calculations, I have taken 70,000 of them
 “ to be upwards of fifty years of age and under sixty, and the
 “ other to be sixty years and upwards; and to allow six pounds
 “ per ann. to the former class, and ten pounds per annum to
 “ the latter. The expence of which will be :

“ Seventy thousand persons at 6l. per ann.	•	420,000
“ Seventy thousand persons at 10l. per ann.	-	700,000
		<hr/>
		“ £. 1,120,000

“ There will then remain of the four millions 2,880,000l. I
 “ have stated two different methods of appropriating this mo-
 “ ney. The one is to pay it in proportion to the number of
 “ children

“ children in each family at the rate of three or four pounds
 “ per ann. for each child ; the other is, to apportion it accord-
 “ ing to the expence of living in different counties ; but in
 “ either of these cases it would, together with the allowance
 “ made to the aged, completely take off taxes from one third of
 “ all the families in England, besides relieving all the other
 “ families from the burthen of poor-rates,

“ The whole number of families in England, lotting five
 “ souls to each family, is one million four hundred thousand, of
 “ which I take one third, viz. 466,666, to be poor families
 “ who now pay four million of taxes, and that the poorest
 “ pays at least four guineas a year ; and that the other thirteen
 “ millions are paid by the other two thirds. The plan, there-
 “ fore, as stated in the work is, first, to remit, or repay, as is
 “ already stated, this sum of four millions to the poor, because
 “ it is impossible to separate them from the others in the present
 “ mode of collecting taxes on articles of consumption ; and
 “ secondly, to abolish the poor-rates, the house and window-light
 “ tax, and to change the Commutation Tax into a progressive
 “ Tax on large estates, the particulars of all which are set forth
 “ in the work, and to which I desire Mr. ADAM to refer for
 “ particulars. I shall here content myself with saying, that to
 “ a town of the population of Manchester, it will make a dif-
 “ ference in its favour, compared with the present state of
 “ things, of upwards of fifty thousand pounds annually, and so
 “ in proportion to all other places throughout the nation. This
 “ certainly is of more consequence, than that the same sums
 “ should be collected to be afterwards spent by riotous and pro-
 “ fligate courtiers, and in nightly revels at the Star and Garter
 “ Tavern, Pall Mall.

“ I will conclude this part of my letter with an extract from
 “ the Second Part of *Rights of Man*, which Mr. DUNDAS (a
 “ man rolling in luxury at the expence of the Nation) has
 “ branded with the epithet of ‘ wicked.’

“ By the operation of this plan, the poor laws, those instru-
 “ ments of civil torture, will be superceded, and the wasteful
 “ expence of litigation prevented. The hearts of the humane

“ will

" will not be shocked by ragged and hungry children, and per-
 " sons of seventy and eighty years of age begging for bread.
 " The dying poor will not be dragged from place to place, to
 " breathe their last, as a reprisal of parish upon parish. Wi-
 " dows will have a maintenance for their children, and not be
 " carted away, on the death of their husbands, like culprits and
 " criminals, and children will no longer be considered as en-
 " creasing the distresses of their parents. The haunts of the
 " wretched will be known, because it will be to their advan-
 " tage, and the number of petty crimes, the offspring of poverty
 " and distress, will be lessened. The poor, as well as the rich
 " will then be interested in the support of Government, and the
 " cause and apprehension of riots and tumults will cease.—Ye
 " who sit in ease, and solace yourselves in plenty, and such
 " there are in Turkey and Russia as well as in England, and
 " who say to yourselves, *are we not well off?* have ye thought
 " of these things? When ye do, ye will cease to speak and
 " feel for yourselves alone."—Rights of Man, Part II. page
 " 136.

" After this remission of four millions be made, and the Poor
 " Rates and House Window-light Tax be abolished, and the
 " Commutation Tax changed, there will still remain nearly
 " one million and an half of surplus Taxes; and as by an
 " alliance between England, France, and America, armies
 " and navies will, in a great measure, be rendered unnecessary,
 " and as men who have either been brought up in, or long
 " habited to those lines of life, are still citizens of a nation in
 " common with the rest, and have a right to participate in all
 " plans of National benefit, it is stated in that work (Rights of
 " Man, Part II.) to apply annually 507,000*l.* out of the surplus
 " taxes to this purpose in the following manner:

" To fifteen thousand disbanded soldiers, 3 <i>s.</i> per week	
" each (clear of deductions) during life	117,000
" Additional pay to the remaining soldiers per ann.	19,500
" To the officers of the disbanded corps, during life,	
" the same sum of	117,000
" To	

" To fifteen thousand disbanded sailors 3s. per week	
" during life	117,000
" Additional pay, to the remaining sailors	19,500
" To the officers of the disbanded part of the Navy	
" during life	117,000
	<hr/>
	£. 507,000

" The limits to which it is proper to confine this Letter, will not admit of my entering into further particulars. I address it to Mr. DUNDAS because he took the lead in the debate, and he wishes, I suppose, to appear conspicuous; but the purpose of it is to justify myself from the charge which Mr. ADAM has made.

" This Gentleman, as has been observed in the beginning of this Letter, considers the writings of HARRINGTON, MORE, and HUME, as justifiable and legal Publications, because they reasoned by comparison, though in so doing they shewed plans and systems of Government, not only different from, but preferable to, that of England; and he accuses me of endeavouring to confuse, instead of producing a system in the room of that which I had reasoned against; whereas the fact is, that I have not only reasoned by comparison of the Representative against the Hereditary System, but I have gone further; for I have produced an instance of a Government established entirely on the Representative system, under which much greater happiness is enjoyed, much fewer Taxes required, and much higher credit is established, than under the system of Government in England. The funds in England have risen since the war only, from 54l. to 97l. and they have been down, since the Proclamation, to 87l. whereas the Funds in America rose in the mean time from 10l. to 120l.

" His charge against me of "destroying every principle of subordination," is equally as groundless, which even a single paragraph from the work will prove, and which I shall here quote:

" For-

" Formerly, when divisions arose respecting Governments, recourse was had to the sword, and a civil war ensued. That savage custom is exploded by the new system, and *recourse is had to a National Convention*. Discussion, and the general will, arbitrates the question, and to this, private opinion yields with a good grace, and *order is preserved uninterrupted.*"—
 " Rights of Man, Part II. p. 173.

" That two different charges should be brought at the same time, the one by a Member of the Legislature for *not* doing a certain thing, and the other by the Attorney-General for *doing* it, is a strange jumble of contradictions. I have now justified myself, or the work rather, against the first, by stating the case in this letter, and the justification of the other will be undertaken in its proper place. But in any case the work will go on.

" I shall now conclude this Letter, with saying, that the only objection I found against the plan, and principles contained in the Second Part of *Rights of Man* when I had written the book, was, that they would beneficially interest at least ninety-nine persons out of every hundred throughout the nation, and therefore would not leave sufficient room for men to act from the direct and disinterested principle of honour; but the prosecution now commenced has fortunately removed that objection, and the approvers and protectors of that work now feel the immediate impulse of honour, added to that of National Interest.

" I am, Mr. DUNDAS,

" Not your obedient humble Servant,

" But the contrary,

" THOMAS PAINE,"

Mr. Law. On the 6th of July there is an entry of six members of the Corresponding Society, who were proposed to be associated members, and they were elected on the 13th.

(The entry of the 13th of July read.)

[Vide Hardy's Vol. 1, page 417.]

Mr.

Mr. Attorney General. I am now going to read a letter from Mr. Hardy to Mr. Tooke, found among Mr. Tooke's papers, giving him an account of the progress of the London Corresponding Society.

James Thornton (called again.)

Mr. Law. You are a clerk, I believe, in the Police Office, in Marlborough-street?

A. Yes.

Q. Look at this letter, is it marked by you?

A. Yes.

Q. Where did you find it?

A. In Mr. Horne Tooke's house.

(It was read.)

" SIR,

" I will esteem it a particular favour if you can recollect
" to bring in your pocket, on Friday, that letter which I lent
" to you about three or four weeks ago. I am rather at a loss to
" write to that gentleman, without being in possession of his
" letter. We keep still increasing in number, knowledge, and
" stability; and we are about to plant two more colonies next
" week, which will make the 11th and 12th Division. The
" situation promises to be very fertile.

" July 24th, 1792,

" No. 4, Taylor's Build-

" ings, Chandos-street,

" Covent Garden."

" I am, Sir,

" with great respect,

" your most humble

" servant,

" THOMAS HARDY.

Mr. Attorney General. I am now going to give in evidence a letter, dated the 8th of August, 1792, from Thomas Hardy to Mr. Tooke, found in possession of Mr. Tooke, desiring him to revise an address of the London Corresponding Society, and desiring to have his opinion whether it was proper he should send a copy to the Secretary of the Constitutional Society.

John

John Thompson (called again.)

Mr. Law. Where did you find this letter?

A. In Mr. Horne Tooke's house, at Wimbledon.

(It was read.)

" SIR,

" I take the liberty of sending you a proof copy of the Address to the Public, from the London Corresponding Society, and hope it will merit your attention, and in some measure your approbation—shall be exceedingly happy to be favoured with your opinion of it before we print it, which we expect to do before Monday.

" Is it proper to send a copy to the Secretary of the London Constitutional Society next week, as that Society does not meet before the last Friday of September.

" August 8th, 1792,

" I am, Sir, with great respect

" No. 4, Taylor's Buildings,

" your most obedient

" Chandos-street, Covent

" humble servant,

" Garden."

" THOMAS HARDY."

Addressed " John Horne Tooke, Esq."

John Thompson.

Cross-examined by *Mr. Tooke.*

Q. Where did you find that letter?

A. I cannot exactly say what part of the house I found it in.

Q. Did you find it yourself, or did any other person give it you?

A. I picked it out myself; I shewed it to Mr. Ford, and Mr. Ford told me to mark it.

Q. Did you attend Mr. Ford in search of my papers?

A. I did.

Q. And you did not pick them out, but he did?

A. He sat at the table writing, I picked them out and gave them to him, and he looked them over.

Q. Who

Q. Who else was there?

A. Thornton.—What I picked out and gave him, and he thought necessary to mark, I marked them.

Q. Did you take all the papers, that were marked, in my house?

A. No; I gave them to Mr. Ford, when he looked them over he gave them to me.

Q. There was another witness called just now to prove some other paper or letter found in my house; it is not that I want to contest them being found in my house, but what I wanted to know is, how one gentleman comes to have a warrant to take my papers, and then a number of persons are called to prove they were there.—Had you a warrant to take my papers?

A. No.

Q. I want to know what this kind of seizure of papers is; it is of some consequence to know, because, if a troop of police officers are let into a man's house, the papers that are produced will not be the papers that were found in the house?

A. Mr. Frost was there, and saw every thing that was taken, and so was Mr. Vaughan.

Q. Did they take any of the papers?

A. No.

Q. Can you tell me how many papers were taken?

A. No.

Q. You were not the only man that took papers?

A. No; Mr. Thornton had some.

Q. Was there any body besides you and Thornton who had any of my papers?

A. No other persons but Mr. Thornton and myself, that I know at present.

Mr. Tooke. There are more papers in my house than a man could read in a year.

Mr. Attorney General. When you and Thornton took the papers, you say, Mr. Frost and Mr. Vaughan were present?

A. They were.

Q. Did they see all the papers that were taken?

VOL. I

R

A. I

A. I am pretty certain Mr. Vaughan took a list of all the papers—they were all put down upon a paper.

Mr. Tooke. You belong to the Police Office?

A. I am one of the Clerks at the Office in Whitechapel.

Q. And can you swear that Mr. Vaughan saw all the papers that were taken?

A. There were two lists taken, one by Mr. Ford, the other by Mr. Vaughan.

Q. I ask you, whether you suppose Mr. Vaughan to be possessed of such senses, as can determine what another man does, or have you such senses that you can tell what he saw?

A. All the papers I took I presented to Mr. Ford, and Mr. Vaughan, sitting together, and I understood them all to be taken down by Mr. Vaughan, there was then another copy made of that which was given to Mr. Vaughan by Mr. Ford, I believe.

Mr. Attorney General. Perhaps you know whether Mr. Vaughan and Mr. Frost were there by appointment?

A. I understood so.

Q. You do not know the fact?

A. No.

Mr. Attorney General. I am now going to read a paper likewise found in the custody of Mr. Tooke, which is a letter from Margarot, who became one of the associated members, to Mr. Tooke, desiring his advice and opinion about an address to the National Convention of France, dated the 15th of September 1792.

Mr. Attorney General (to Thornton) Where did you find that paper?

A. In Mr. Horne Tooke's house, at Wimbledon.

(It was read.)

“ M. Margarot wishes to submit to Mr. Horne Tooke's
“ consideration, whether a plan might not be adopted for obtain-
“ ing the assent of all the different Societies throughout the
“ nation, to an animated (but safe) declaration, assuring the
“ French that we entertain the most friendly dispositions, &c.
“ &c.

" &c. towards them; and that we will, to the utmost of our power, discountenance all hostile attempts on the part of the Ministry, should the latter be base enough to forfeit the nations pledged faith of neutrality.

" M. M. conceives such a measure will prove more useful than a partial, and, perhaps, comparatively speaking, an inconsiderable subscription, which would, however, be no ways impeded thereby, a similar declaration would certainly quiet their jealousies with regard to the English; and would encourage them in their arduous struggle, while the numbers of well-wishers to their cause, who might come forward here with only their signatures to the declaration, would give a most severe check to all open or even under handed ministerial attempts.

" *Saturday, 15th September, 1792,*

" *No. 10, High-street, Marybone."*

Addressed " — *Horne Tooke, Esq."*

Mr. Attorney General. The next is a letter, dated the next day, September 16th, 1792, from Mr. Hardy to Mr. Tooke, upon the same subject, found in Mr. Tooke's house at the same time.

Mr. Thornton. I found this paper in Mr. Tooke's house.

James Thornton,

Cross-examined by *Mr. Tooke.*

Q. Did you read that letter which has just now been read?

A. I think not.

Q. But you are not sure?

A. Some I carelessly looked over.

Q. If you looked that over carelessly, when you read that part recommending an attempt to quiet the jealousies of the French, did you not think that the administration of this day would have been very glad if it had succeeded?

A. I have no recollection, at present, whether I did read it.

Mr. Bower. What the witness thought at the time, I object to his being asked, for the sake of common precedent—it is a great deal too much to ask a witness who has seized papers, what he thought, upon looking at those papers, might be the opinion of other people; it has not the colour or semblance of a question, and that the prisoner must know perfectly well.

Mr. Tooke. If I am wrong I will take the first hint of a correction from your Lordship; but I hope you will think that a man whose papers are so seized has a right to make a little enquiry after their contents; I protest I forgot them a great while ago, they are letters found in my house sent from other persons, and it not being declared whether I did any thing in consequence of those recommendations—I believe I have rather made an observation out of the course of examination——

Lord Chief Justice Eyre. It is an observation put into the shape of a question.

Mr. Tooke. I believe it was so—it struck me that the administration might now possibly wish that those men who wished to quiet the jealousies of the French had succeeded—but it struck me at the moment that it was improper.

(*The Letter was read.*)

“ SIR,

“ Mr. Margarot would be glad to know your opinion of that proposition he has submitted to your judgment, I think with him that it would have a good effect, at the same time the subscription to go on as it now does, ten or twenty thousand signatures would have more weight than as many thousand pounds, for ten men might subscribe that sum.

“ September 16, 1792,

“ No. 9, Piccadilly.”

“ I am, Sir, with great respect,

“ your most humble servant,

“ THOMAS HARDY.”

Addressed “ *John Horne Tooke, Esq. Richmond Buildings.*”

(*The following entries were read from the books of the Society for Constitutional Information.*)

" At a meeting of the Society held at the Crown and Anchor
" Tavern, Strand, Friday, September 28th, 1792."

[*Vide Hardy's Trial, vol. ii. page 7.*]

" At a meeting of the Society held at the Crown and Anchor
" Tavern, Strand, on Friday, October 5th, 1792."

[*Vide Hardy's Trial, vol. ii. page 30.*]

Mr. Attorney General. Your Lordship observes, that by the entry which was made upon the 28th of September, it is resolved, that the Secretary shall express the thanks of the Constitutional Society to the London Corresponding Society for their communication, and acquaint them that this Society do very highly approve of their intention.—I am now going to prove a letter from Mr. Adams, the Secretary of the former Society, to Mr. Hardy, the Secretary of the other Society, which conveys that approbation.

Mr. Lauzun. This is one of the letters I found in Mr. Hardy's house.

(*The Letter was read.*)

" DEAR SIR,

" Your letter of the 21st September, was read to the Society
" for Constitutional Information last Friday, and I am desired
" to express their thanks to the London Corresponding Society
" for their communication, and to acquaint them that the So-
" ciety do very highly approve of their intention,

" I am, Dear Sir, your much obliged

" Tooke's-court, 3d October,

" humble servant,

" 1792."

" D. ADAMS, Secretary."

" *Mr. Hardy, Secretary to the London Corresponding Society,*"

Mr. Attorney General. Your Lordship recollects, that in a letter which has been read in evidence, dated the 8th of August, Mr. Hardy says he had sent a proof copy of the Address of the London Corresponding Society. I now produce the Address of

the Corresponding Society, dated the 6th of August, which was found in the possession of Mr. Hardy.

Mr. Lauzun. This is one of the pamphlets I found in Mr. Hardy's house.

(It was read.)

[*Vide Hardy's Trial*, vol. 1, page 214.]

(The following entry was read from the books of the Society for Constitutional Information.)

" At a meeting of the Society held at the Crown and Anchor Tavern, Strand, Friday, 12th October, 1792."

[*Vide Hardy's Trial*, vol. 2, pages 32 and 48.]

Mr. Attorney General. Here is the original letter, signed Margarot and Hardy, of which the letter that has now been read is a copy.—*Mr. Maclean*, did you find this paper?

Mr. Maclean. I found this paper at Mr. Adams's.

Mr. Attorney General. It is exactly the same.

(The following entries were read from the books of the Society for Constitutional Information.)

" At a meeting of the Society held at the Crown and Anchor Tavern, Strand, on Friday, October 19th, 1792."

[*Vide Hardy's Trial*, vol. 2, page 52.]

" At a meeting of the Society held at the Crown and Anchor Tavern, Strand, Friday, October 26th, 1792."

[*Vide Hardy's Trial*, vol. 2, page 54.]

" At a meeting of the Society held at the Crown and Anchor Tavern, Strand, Friday, November 2d, 1792."

[*Vide Hardy's Trial*, vol. 2, page 55.]

" At

" At a meeting of the Society held at the Crown and Anchor
" Tavern, Strand, Friday, November 9th, 1792."

[*Vide Hardy's Trial, vol. 2, page 56.*]

Mr. Attorney General. I will now produce a letter from Barlow and Frost, who appear to have gone over to France for the purpose of presenting this Address, stating what had passed on presenting it, between them and the President of the National Convention.

Mr. Maclean. I found these papers in the possession of Mr. Adams.

(*It was read.*)

[*Vide Hardy's Trial, vol. 2, page 60.*]

Mr. Attorney General. I am now going to read their Address to the National Convention.

(*It was read.*)

[*Vide Hardy's Trial, vol. 2, page 60.*]

Mr. Attorney General. This paper is the translation of the President's answer.

(*It was read.*)

[*Vide Hardy's Trial, vol. 2, page 61.*]

Mr. Thornton. I found these two papers in Mr. Horne Tooke's house at Wimbledon.

Q. (*to Mr. William Woodfall*) Whose hand-writing do you believe these to be?

A. Both of them Mr. Tooke's hand-writing.

Mr. Tooke. They are my hand-writing.

(*They were read.*)

*" Translation of the draught of an Address to the President of the
" French Convention."*

[Vide Hardy's Trial, vol. 2, page 74.]

" Draught of a letter from Mr. Tooke to the Mayor of Paris."

[Vide Hardy's Trial, vol. 2, page 72.]

One of the Jury. What is the date of that letter?

Mr. Shelton. It has no date.

Mr. Erskine. But it was before the commencement of the war, because it was before Mr. Frost went to Paris.

Mr. Thornton. I found this paper in Mr. Horne Tooke's house at Wimbledon.

Q. (to Mr. William Woodfall) Here is a memorandum of when this paper was received—Whose hand-writing is that?

A. The words "Received at Wimbledon, Wednesday, October 9th," I take to be Mr. Horne Tooke's.

Mr. Tooke. Yes, they are mine.

*(A letter, signed "Petion," addressed to the "Society of the
" Friends of the Revolution," dated "6th October, first year
" of the French Republic," read.)*

[Vide Hardy's Trial, vol. 2, page 73.]

*(The following entry was read from the books of the Society for
Constitutional Information.)*

*" At a meeting of the Society for Constitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday,
" December 14th, 1792."*

[Vide Hardy's Trial, vol. 2, page 62.]

Mr. Solicitor General (to Mr. Maclean.) Where did you find that paper?

A. In

A. In the possession of Mr. Adams,
Mr. Solicitor General. This is a Letter from the Society of
the Friends of Liberty and Equality, sitting at Laon, to the
Society for Constitutional Information.

(It was read.)

[*Vide Hardy's Trial, vol. 2, page 65.*]

(The following entry was read from the books of the Society for
Constitutional Information.)

" At a meeting of the Society for Constitutional Information,
" held at the Crown and Anchor Tavern, Friday, 21st of
" December, 1792.

" PRESENT,

" Mr. Reader in the chair.

" Mr. Sharpe, Mr. Hull, Mr. Bonney, Mr. John Martin, Mr.
" Parkinson, Mr. Holcroft, Mr. H. Tooke, Mr. Williams,
" Mr. Sinclair, Mr. Hardy, Mr. Gerald, Mr. Kyd, Mr.
" Chatfield, Mr. Fitzgerald, Mr. Banks, Mr. Wills, Mr.
" Jennings, Mr. G. Williams, Mr. Wardle, Mr. White,
" Mr. Bailly, Mr. Cooper, Mr. Moore, Lord Sempill, Mr.
" Turnbull.

" Read the following letter from the Society of the Friends
" of Liberty and Equality at Macon in the Department of
" the Saone and the Loire.

" Ordered, That the same be entered in the minutes of this
" Society."

" Resolved, That Mr. H. Tooke, Mr. Moore, Mr. White,
" Lord Sempill, Mr. Gerald, Mr. Kyd, Mr. Reader, Mr.
" Fitzgerald, and Mr. Bonney, be a Committee for Foreign
" Correspondence."

" Resolved, That the letter from the said Society be referred
" to the Committee of Foreign Correspondence."

" Ordered, That the Proceedings of the Committee of Fo-
" reign Correspondence be entered in a separate book."

" Resolved,

" Resolved, That the said Committee meet at this place at
" half past three o'clock on the day of the next meeting of the
" Society."

Mr. Attorney General. I am now going to an entry of the
5th of October, 1792, which states, that a letter was received
from Mr. Joel Barlow, communicating to the Constitutional
Society his book, entitled, " A letter to the National Conven-
tion of France."

Mr. Erskine. That was also read upon Mr. Hardy's trial,
Mr. Attorney General. It was.

(The following entries were read from the books of the Society
for Constitutional Information.)

" At a meeting of the Society, October 5th, 1792."

[*Vide Hardy's Trial, vol. 2, page 30.*]

" At a meeting of the Society, October 12th, 1792."

[*Vide Hardy's Trial, vol. 2, page 32.*]

Mr. Joseph Johnson, (sworn)

Examined by *Mr. Bower.*

Q. You are a Bookfeller?

A. Yes.

Q. Be so good as look at that book, which was shewn to
you last week, did you print and publish that?

A. I printed a book with this title.

Q. That book which you saw last week?

A. I cannot tell whether it is the same, or no; it has the ap-
pearance of it?

Q. Did you publish a book of that kind, and who did you
publish it for?

A. I printed it at the request of the author.

Q. By

Q. By the author, do you mean Joel Barlow?

A. Yes.

Q. You were employed by him as his printer?

A. Yes.

Q. And you believe that to be the book you printed?

A. It has all the appearance of it; I could not tell without I read it.

Q. Do you know of any other book of that appearance, besides that which was published by yourself?

A. No.

(Extracts read from a Letter to the National Convention of France, on the defects of the Constitution of 1791, and the extent of the amendments which ought to be applied, by Joel Barlow, Esq. Author of Advice to the Privileged Orders.)

[Vide Hardy's Trial, vol. 2. page 35.]

(The following entry was read from the book of the Society for Constitutional Information.)

" At a meeting of the Society held at the Crown and Anchor,
" Friday, October 19th, 1792."

[Vide Hardy's Trial, vol. 2. page 52.]

Mr. Attorney General. This your Lordship observes is an approbation of that letter, and an order for it to be published. Mr. Adams, in his account, charges for the publication of Joel Barlow's letter in the different newspapers.

The next is a letter from persons styling themselves the Editors of the Patriot.

Mr. Maclean, I found this among Mr. Adams's papers.

(It was read.)

" SIR,

" *Sheffield, 15th October, 1792.*

" In consequence of a hint from your Society, that small
" and cheap publications would be of great benefit towards

“ enlightening the public mind in political information, we
 “ some time ago set on foot a periodical work, the Patriot, and
 “ we took the liberty about three months since to transmit you
 “ such numbers as were then published, entreating your pe-
 “ rusal of them, and after that your candid opinion as to the
 “ matter contained therein, and any hints which you might
 “ please to think would add to its public utility, and contribute
 “ to its improvement; considering ourselves as acting upon
 “ principles alone, joined to an ardent desire to forward and
 “ promote the interests of the great cause of freedom, and that
 “ we were doing what your Society had expressly recommended,
 “ we flattered ourselves we might make this request, and that it
 “ would not have been thought unreasonable; and as we convey-
 “ ed our sentiments in terms of the greatest respect and deference
 “ to the superiority of abilities which you have to boast, being
 “ united in your honourable body, we thought that the com-
 “ mon civility which, on such occasions, actuates men, even
 “ *differing in opinions*, and at variance with each other, would
 “ have insured us an answer; we have been deceived, our efforts
 “ to serve the cause appear to your Society, it would seem, de-
 “ serving no other notice than silence and contempt; this we
 “ are something surprized at, as in a cause *like this*, a good
 “ *intention* only we think deserves to be commended. We
 “ are perfectly aware of, and rejoice to reflect on the splendid
 “ talents which ornament your Society, and are convinced that
 “ any thing we can write must appear to some amongst you
 “ very trifling and puny efforts; but to do our best is as much
 “ as is allotted to man, *non omnia possumus omnes*, and we
 “ cannot forget, while we contemplate the magnificent splendour
 “ of the sun, that, when deprived of his enlivening light, we
 “ find ourselves highly indebted to the small and feeble glim-
 “ mering of a taper; we avowed that our work was intended
 “ to impress its contents on the great body of the people; we
 “ pretended not to any originality further than the work itself,
 “ dedicated solely to purposes never before attempted; and as
 “ to superior excellence, we had not the vanity to lay claim to
 “ any, we looked for no compliments, we only wished for
 “ advice,

" advice, and certainly approbation, where it might be deemed by you to be due, would have been highly gratifying to us.

" Disappointed in all our expectations, it may perhaps appear odd and extraordinary that we should trouble you again; feeling as men, and we hope possessed of the laudable and proper spirit of *Gentlemen*, did we act on the impulse of punctilio and etiquette only, we should in all likelihood consider our pens as tied up, but as volunteers in the most glorious cause which can animate and actuate the minds of men, we shake off the feeble fetters of ceremonious exactness, and once more present ourselves to your notice, as zealous supporters of those rights of man, of which we are happy to see your Society so worthily placed at the head.

" Within a few days past we have received a letter from the Secretary of a Society intended to be established at Stockport, which we think it necessary to submit to your inspection, and have accordingly sent it herewith; your Society will find thereby what unjustifiable means are adopted by the enemies to reform, and the friends and tools of arbitrary power, to prevent the increase of those Societies, and to crush and annihilate our efforts in their bud; we thought it prudent and necessary to answer the letter immediately, and to give them such encouragement as our feeble talents will permit; that we also submit to your consideration in the copy of the letter to Mr. Andrews, which accompanies his to us; we cannot help reflecting that unless the friends to reform stand by and succour each other, they cannot hope for success; and we therefore indulge ourselves with the hope, that your Society will think this Society at Stockport deserving their attention, and give them their sanction, advice and support.

" Having done this, we have satisfied our consciences, and hasten to conclude, only requesting leave to add, that in addressing our last letter to your Society, we protest that we had no idea we should give offence; we are thoroughly convinced nothing but the most perfect and general unanimity can ever entitle the friends of freedom to expect success
" against

" against the formidable host of enemies with which they
 " have to contend; under this conviction we have caused
 " our feelings as men to give place to our duties as Ci-
 " tizens; on every future occasion that may offer, we shall
 " take care to give your Society the earliest information of
 " any matter arising within our knowledge, which we think
 " may be important and necessary for them to be made ac-
 " quainted with, for the general good; at the same time assur-
 " ing you, that from ourselves, and on our own account, you
 " need not be under apprehension of any further intrusion; we
 " would indeed ask pardon for that we have already made, only
 " that we conceive, according to every fair criterion of judg-
 " ment, we may justly say the crime has carried the punishment
 " along with it.

" We are, &c.

" With great respect, Fellow-citizens,

" Yours most sincerely as such,

" THE EDITORS OF THE PATRIOT."

Addressed, " D. Adams, Esq. Secretary to the Society for Con-
 " stitutional Information, Tooke's-court, Chancery-lane, London."

Mr. Bower. We will now read a letter that was inclosed in
 the letter which has been just read.

Mr. Maclean. I found this among Mr. Adams's papers.

(It was read.)

[Vide Hardy's Trial, vol. 3. page 102.]

(The following entries were read from the books of the Society for
 Constitutional Information.)

" At a meeting of the Society for Constitutional Information,
 " held at the Crown and Anchor Tavern, Strand, Friday, No-
 " vember 2, 1792,

" PRESENT,

" Mr. Frost, in the chair.

" Mr. Tooke, Mr. Bosville, Mr. Walfsh, Dr. Edwards, Mr.

" Bonney, M. I. Martin, Mr. Sturch, Mr. Sharpe, Mr.

" Geddis,

" Geddis, Colonel Keating, Mr. Rae, Mr. Bakewell, Mr.

" Joyce, Mr. Barlow, Mr. Johnson, Mr. Sinclair, Mr. Hol-

" croft, Mr. Williams, Mr. Hind, Mr. Tuffin, Mr. M.

" Bush, Mr. G. Williams, Mr. Aspinall, Mr. Fitzgerald.

" The Secretary read the letter from the Editor of the Pa-
" triot, at Sheffield."

" Resolved, That a Committee of Correspondence be ap-
" pointed to consider of and prepare answers to all such letters
" as are, or may be sent to this Society."

" Resolved, That Mr. Sturch, Mr. Joyce, Mr. Adams, Mr.
" Frost, Mr. Bonney, and Mr. Holcroft, compose the said Com-
" mittee."

" Ordered, That the two letters sent to this Society, from the
" Editor of the Patriot, at Sheffield, be referred to the said
" Committee."

" At a meeting of the Society for Constitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday, 9th
" November, 1792,

" PRESENT,

" Lord Sempill in the chair.

" Mr. Bosville, Mr. Rae, Mr. Hull, Mr. Sharpe, Mr. Jen-

" nings, Mr. Sutton, Mr. Frost, Mr. Tooke, Mr. Sturch,

" Colonel Keating, Mr. Holcroft, Mr. Barlow, Mr. Tuffin,

" Mr. Sinclair, Mr. Margarot, Mr. Watts, Mr. Richter,

" Mr. Littlejohn, Captain Perry, Mr. John Martin, Mr.

" Banks, Mr. Williams, Mr. Geddes, Mr. Fitzgerald, Mr.

" Parkinson, Mr. Gerald, Mr. Rickman, Mr. Bush, jun.

" Mr. Lockhart, Mr. Moore.

" Read the report of the Committee of Correspondence.

" A letter was produced by them, and read, in answer to
" the Editors of the Patriot, to which an amendment was
" moved, and seconded, and the question being put thereon,
" was carried in the affirmative, and ordered that the Secretary
" send the said letter to the Editor of the Patriot, at Sheffield,
" signed by him in the name of this Society."

Mr.

Mr. Maclean. I found this paper in the possession of Mr. Adams.

Q. (to *Mr. William Woodfall.*) Do you believe any part of this letter to be of Mr. Tooke's hand-writing?

A. The words "attend those efforts," I believe to be Tooke's writing.

Mr. Tooke. Those words are mine.

(It was read.)

[*Vide Hardy's Trial, vol. 3, page 107.*]

Mr. Bower. Having before proved that the London Corresponding Society sent members to be associated with the London Constitutional Society, who were accordingly admitted, and of which members Mr. Hardy, the Secretary of the London Corresponding Society, was one. I am now going to read a letter from Stockport to Hardy, as Secretary of the London Corresponding Society.

Q. (to *Mr. Lauzun.*) Where did you find that paper?

A. I found it in Mr. Hardy's house.

(*Letter from Stockport, signed P. W. Frost, to Mr. Thomas Hardy, indorsed upon the back, "Stockport, Friends of Universal Peace and the Rights of Man, received 27th of September, 1792, answered 11th of October, and sent a copy of the address."*) read.

Mr. Erskine. Answered by Mr. Hardy?

Mr. Bower. Yes.

[*Vide Hardy's Trial, vol. 1, page 215.*]

Mr. Bower. We are now going to read a letter from Norwich.

Mr. Lauzun. I found these papers in Hardy's house.

(*Letter*

(Letter from M. Margarot to Mr. Joseph Hedmer, Secretary to the Friends of Universal Peace and the Rights of Man Society, Stockport, dated London, October 11th, 1792, read.)

[Vide Hardy's Trial, vol. 1, page 217.]

(Letter from Norwich, to Thomas Hardy, signed George Knapp, Isaac Saint, and Anthony Caddewould, dated November 11th, 1792, read.)

[Vide Hardy's Trial, vol. 1, page 222.]

(Letter from M. Margarot, in answer to the last, dated November 26th, 1792, produced.)

Mr. Erskine. This has been read before.

Mr. Bower. It has.

Mr. Erskine. I wish your Lordship to understand that I do not mean what I am now saying, in the shape of an objection. This paper was read against Mr. Hardy, because it was found in his possession; and it is a draft of an answer which he, Mr. Hardy, was supposed to have meditated, to send to a letter written to him, but upon what principle of law, of evidence, or of common sense, it can be read upon this occasion, I know not.

Lord Chief Justice Eyre. It was read as evidence against Mr. Hardy.

Mr. Erskine. He is not now before the Court—he is acquitted.

Lord Chief Justice Eyre. Certainly he is not; but as a person concerned in this transaction, the guilt of which is imputed to the prisoner at the bar.

Mr. Erskine. Can your Lordship consider this as any guilt as connected with a person now acquitted?

Lord Chief Justice Eyre. His acquittal of his share makes no difference in the transaction; the Jury have thought it right to say he was not guilty: this goes to the whole general plan of

the evidence; there are two distinct parts, one to the general plan, the other to the particular facts.

Mr. Erskine. I perfectly understand the Court: I am satisfied.

(*Letter signed M. Margat read.*)

[*Vide Hardy's Trial, vol. 1, page 224.*]

Mr. Bower. This seems to finish the evidence, we offer, of the year 1792; and your Lordships will understand we are now going to read an entry from the book of the Society for Constitutional Information, on the 18th of January, 1793.

(*It was read.*)

[*Vide Hardy's Trial, vol. 2, page 75.*]

(*A rough draft of the above entry shewn to Mr. William Woodfall.*)

Mr. Percival. In whose hand-writing are these words:—"A member of the National Convention of France being considered by us as—"?

A. I believe them to be Mr. Horne Tooke's.

Mr. Tooke. That is my hand-writing.

(*The following entries were read from the books of the Society for Constitutional Information.*)

" At a meeting of the Society held at the Crown and Anchor
" Tavern, Friday, Jan. 25th, 1793."

[*Vide Hardy's Trial, vol. 2, page 75.*]

" At a meeting of the Society held at the Crown and Anchor
" Tavern, Strand, Friday, February 1st, 1793."

[*Vide Hardy's Trial, vol. 2, page 76.*]

Joseph

Joseph Deboffe, (sworn)

Examined by *Mr. Law*.

Q. Did you receive these three papers as the *Moniteurs* of the fourth, sixth, and seventh of January, 1793?

A. Yes.

Mr. Erskine. They are the same we had upon the last trial, I suppose?

Mr. Bower. They are.

A. These are the original papers, which were imported from Paris, as I expressed when I was here before.

Q. Shortly after the time when they respectively bear date?

A. They were received within five or six days, I suppose, of the Paris date; they were imported as I mentioned before.

Joseph Deboffe,

Cross-examined by *Mr. Tooke*.

Q. These three papers you sold?

A. I cannot ascertain whether they came out of my shop, or not; but, at the same time, I can ascertain that they are the real Paris papers.

Q. Have you any of the *Moniteur* of this date?

A. I have had a great many.

Q. Did you sell a great many?

A. I have sold as many as I had regular subscribers for: I was not in the habit of selling papers loosely, but such Noblemen and Gentlemen as subscribed regularly, I had the honour of serving them with regularity. I have sold some hundreds, in regular connections, from the beginning of the *Moniteur*, down to the time when the communication was totally stopped.

Q. How long have you been out of prison?

A. Me in prison!

Q. I ask you?

A. Never in my life.

Q. Have not you been prosecuted?

A. Never in my life.

Q. Nor threatened to be prosecuted?

A. No.

Q. When were you first applied to to come here upon this occasion?

A. I was subpoenaed to appear here.

Q. Was not you frightened?

A. I did not know what I should be subpoenaed for.

Q. But you thought you had done no crime?

A. My conscience is clear; I had nothing to reproach myself with.

Q. You thought it a safe thing to sell these papers?

A. Yes, while the Post Office sold them, and several of the shops sold them, as well as me, having paid the regular duty at the Custom-house.

Q. And others did the same?

A. Yes.

Q. And you never were afraid of the consequence at all?

A. I was never. I looked upon it the law was to save me the same as every body else.

Q. That the law would protect you?

A. Not me in particular; if it would protect me, it would protect others; therefore, the people of the Post Office should be punished.

Mr. Tooke. You are a very honest man.

Mr. William Woodfall. I beg pardon for a moment; as the witness is a foreigner here, I beg leave, as an *amiable* turn, to say that he lived formerly with me, and is, as Mr. Tooke has last denominated him, a very honest man indeed.

(Mr. Huskisson delivered into Court English translations of the extracts from the *Moniteurs* produced.)

Mr. Erskine. This is not reading any thing out of the books of the Constitutional Society.

Lord Chief Justice Eyre. They are passages in these papers which that Society recommended for perusal.

Mr. Attorney General. And they resolved that that resolution should be published in the newspapers.

(English)

(English translations of extracts from the speeches of Barrere, St. André, and Roland, were read.)

[*Vide Hardy's Trial, vol. 2, page 79.*]

(The following entries were read from the book of the Society for Constitutional Information.)

" At a meeting of the Society for Constitutional Information,
" at the Crown and Anchor Tavern, Friday, 15th March
" 1793,

" PRESENT,

" Captain Tooke Harwood, in the Chair.

" Mr. Balmanno, Mr. Kydd, Mr. Tooke, Mr. Martin, Mr.
" Fazacherly, Count Zephio, Mr. Sharpe, Mr. I. Wil-
" liams, Mr. Bonney, Mr. Symonds, Rev. Mr. Joyce, Mr.
" Holcroft, Mr. Swainson, Mr. Banks, Lord Sempill, Mr.
" Wills, Mr. Parkinson, Mr. Baily, Mr. Frost, Mr. G.
" Williams.

" Mr. Gay, of Duke-street, St. James's, was proposed by
" Mr. Tooke, and seconded by Mr. Bonney."
" Mr. Tooke. Is there a Christian name to that Mr. Gay?"
" Mr. Shelton. There is no Christian name.

" Resolved, That the thanks of this Society be given to Joel
" Barlow and John Frost, for their conduct in the presentation
" of the address of this Society to the National Convention of
" France; and that Mr. Frost be assured that our regard for
" him is not lessened but increased by the prosecutions and per-
" secutions which his faithful and due discharge of that commis-
" sion may bring upon him."

" Ordered, That this resolution be published in the new-
" papers."

" At a meeting of the Society for Constitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday, 22d
" March, 1793,

S. 3. " PRE-

" PRESENT,

" Mr. Symonds, in the chair.

" Mr. Frost, Mr. Hull, Count Zenobio, Mr. Tooke, Mr.
" Wills, Lord Sempill, Mr. Bonney, Mr. Kydd, Mr. Satchell,
" Mr. John Martin, Mr. Ansell, Mr. Holcroft, Mr. Bal-
" manno, Capt. T. Harwood, Mr. Parkinson, Mr. I. Wil-
" liams, Dr. Kentish, Mr. Margarot, Mr. Hardy.

" Read a letter from the London Corresponding Society, con-
" taining their resolutions, excluding Mr. Grant and Mr. Lit-
" tlejohn from that Society; and, consequently, that they can-
" not any longer sit in the Society for Constitutional Informa-
" tion, as associated members from the London Corresponding
" Society."

" Resolved, That the London Corresponding Society be re-
" quested to elect two members, who have their confidence, to
" supply the places of the associated members vacant by their re-
" solution."

" Resolved, That Mr. Margarot be requested to be one of
" the Stewards of the anniversary dinner."

" Mr. Margarot, being present, accepted the office."

" Mr. Hardy expressed his readiness to accept of the office of
" Steward."

" Read a letter from the United Political Societies of Nor-
" wich."

" Resolved, That the consideration of the said letter be post-
" poned till the next meeting."

Mr. Maclean. I found this paper in the possession of Mr. Adams.

Mr. Attorney General. This is a letter dated the 5th of March, 1793, which is mentioned in the proceedings of the Constitutional Society, on the 22d of March—it is a letter from the United Political Societies at Norwich, to the Constitutional Society in London, upon the project of a Convention.

(The following Entries were read from the book of the Society for Constitutional Information:)

" At a Meeting of the Society, at the Crown and Anchor Tavern, Strand, Friday, March 29, 1793."

[*Vide Hardy's Trial*, vol. 2, page 88.]

" At a Meeting of the Society, at the Crown and Anchor Tavern, Strand, Friday, April 5, 1793."

[*Vide Hardy's Trial*, vol. 2, page 88.]

" At a Meeting of the Society at the Crown and Anchor Tavern, Friday, April 12, 1793."

[*Vide Hardy's Trial*, vol. 2, page 90.]

Mr. Attorney General. Refer back to the 29th of March, when it was deferred—was Mr. Tooke present then?

Mr. Shelton. He was not.

Mr. Erskine. You mean his name is not in the book.

Mr. Attorney General. I always mean, present, as appears by the book—was he present upon the 22d, when it appears by the book to be deferred?

Mr. Shelton. Yes, he was.

Mr. Attorney General. We will now read the letter of the 5th of March, from the United Political Societies.

(It was read.)

[*Vide Hardy's Trial*, vol. 2, page 86.]

Thomas Wagstaffe (sworn)

Examined by *Mr. Attorney General.*

Q. Look at that paper (*shewing it to the witness.*) Did you ever find that paper in any place?

A Yes, at Isaac Saint's, at Norwich.

Mr. Attorney General. I will now call Maclean, to prove, that he found, in the possession of Mr. Adams, a draft of a letter, which your Lordship will afterwards find is copied into this letter found at Saint's, at Norwich, by Wagstaffe.

Mr. Maclean. I found this paper in the possession of Mr. Adams.

(It was read.)

[Vide Hardy's Trial, vol. 2, page 90.]

Mr. Daniel Adams (called again.)

Mr. Attorney General. Look at that; is that your hand-writing, and was it sent to Norwich, in consequence of the resolution of the 12th of April, 1793, which appears in your book?

A. It is my hand-writing, and it was sent to Mr. Saint, at Norwich.

Q. Was it sent in consequence of a resolution of the 12th of April, 1793—“Resolved, That the said answer be sent by the Secretary to the Secretary of the said Societies.”?

A. Yes.

Q. That is the letter that was written, is it?

A. It is.

Mr. Attorney General. It is a precise copy with the signature of Mr. Adams, of that draught which has been read.

I proceed now to read a letter of the 17th of May, 1793, from Margarot and Hardy, who were both associated members of the Constitutional Society, to the Secretary of the Society of the Friends of the People, at Edinburgh.

Mr. Lauzun. This is one of the letters I found in Mr. Hardy's house.

(It was read.)

[Vide Hardy's Trial, vol. 1. page 243.]

Mr. Attorney General. This is a letter from Skirving, in answer to that letter, the draft of which your Lordships have heard read. Did you find this paper any where?

Mr.

Mr. Lauzun. I found this paper at Mr. Hardy's house.

(It was read.)

[Vide Hardy's Trial, vol. 1. page 244.]

(The following Entry was read from the book of the Society for Constitutional Information.)

" At a Meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, June 28, 1793,

" PRESENT,

" Mr. Sharpe in the chair.

" Mr. Walker (Manchester), Mr. Bonney, Mr. Martin, Rev.

" Mr. Joyce, Mr. Parkinson, Mr. Chatfield, Mr. I. Wil-

" liams, Mr. Banks, Mr. Wardle, Mr. Yorke, Mr. Watts,

" Mr. Campbell, Mr. G. Williams, Mr. Margarot, Mr. L

" H. Tooke, Dr. Redhead, Mr. Holcroft.

" Resolved, That a Committee be appointed to prepare an Address to the British Nation."

" Resolved, That Mr. Tooke and Mr. Yorke be requested to prepare the said Address."

Mr. Attorney General. Having read a letter from the United Societies of Norwich, to the Constitutional Society in London, with their answer relative to a Convention, or an Address to the King, I am now going to read a letter from the Political Society at Norwich, to the Secretary of the London Corresponding Society, relative to the same objects, meaning to read the answer presently.

Q. (to Mr. Lauzun.) Where did you find these papers?

A. In Mr. Hardy's house.

(Letter from the Political Societies at Norwich, to the Secretary of the London Corresponding Society; endorsed, received the 25th June, 1793, read.)

[Vide Hardy's Trial, vol. 1. page 248.]

Mr. Attorney General. I will now read the draft of an answer to the last letter from Margarot and Hardy, dated the 25th of July, 1793.

(*It was read.*)

[*Vide Hardy's Trial, vol. 1. page 250.*]

Mr. Maclean. I found this paper in the possession of Mr. Adams.

Mr. Attorney General. This is a letter from Calender, at Edinburgh, to Hardy, dated October 5, 1793.

(*It was read.*)

[*Vide Hardy's Trial, vol. 1. page 263.*]

(*The following entries were read from the books of the Society for Constitutional Information.*)

" At a meeting of the Society for Constitutional Information, at the Crown and Anchor Tavern, October 25th, 1793."

[*Vide Hardy's Trial, vol. 2. page 95.*]

" At an extraordinary general meeting of the Society for Constitutional Information, at the Crown and Anchor Tavern, October 28th, 1793."

[*Vide Hardy's Trial, vol. 2. page 97.*]

Mr. Attorney General. (to *Mr. William Scott.*) Where did you find these papers? (*Shewing them to the witness.*)

A. Among papers taken out of the custody of Skirving, at Edinburgh, they are entitled, Scroll of Minutes of the British Convention.

Mr. Tooke. If I am wrong your Lordship will stop me in a minute; but if by that minute I have a chance of saving you an hour you will not blame me for having made the attempt.—The prosecutors have proved by their own witness, that though my
name

name appears in the book on the 25th of October, when the motion was made for an extraordinary meeting on the 28th, that I was certainly not present, there being a strong circumstance which enabled the witness to remember my absence on that day. On the 28th of October, he likewise proves that I was not present, and on that day my name does not, though it might, have appeared in the book, notwithstanding my being absent—but will it then be fit or proper that upon my trial, having first of all proved by their own witness, that I not only was absent when this motion was made, and all that followed in consequence of it, but that I was likewise exceedingly averse from it, very angry at it, and suffered much abuse in consequence of that difference of opinion—will it be fit (perhaps it may be consonant with the rest of the proceeding) that those very actions and measures, which most of all I disapproved, should be read to the Jury, who may, perhaps, forget that circumstance while they are reading it, or recollect some unpleasant circumstances while it may be read.—Will it be fit that the measures which I appear most particularly and distinguishingly to disapprove, should be read to the Jury in order to criminate me?

Mr. Law. The approbation of Mr. Tooke to the measure of this convention, is contained in a minute of the 17th of January, 1794, when he was in the chair.

Lord Chief Justice Eyre. The whole plan of the Trial requires that we should admit this as evidence of a part of the general transaction—at the same time it certainly will not be forgotten, that as to the particular circumstance of sending Delegates; in the first place, you were absent when the Delegates were appointed—in the next place, as far as your opinion could be collected, you were against sending those Delegates, but not only will it be to be read, because it makes a part of the general transaction charged as a conspiracy, but it may also be read upon the ground last opened—namely, that the proceedings of that Convention were afterwards approved of in the Constitutional Society, and that part of the minutes may be personally brought home to you.

†

Mr.

Mr. Tooke. I beg pardon then—as far as I am concerned, the reading this, and endeavouring to apply this to me, is extremely useful to me; my defence for objecting is, I did it to save the time of the Court.

Lord Chief Justice Eyre. You will do right to make every use that you can possibly make of it.

(*Extracts from the proceedings of the Convention at Edinburgh read.*)

“ Convention Hall, November 23d, 1793.

“ Fifth Day’s Sitting.”

[*Vide Hardy’s Trial, vol. 1. page 310.*]

“ Convention Hall, November 28th, 1793.

“ Ninth Day’s Sitting.”

[*Vide Hardy’s Trial, vol. 1. page 319.*]

“ Convention Hall, first year of the British Convention,
“ 29th of November, 1793.

“ Tenth Day’s Sitting.”

[*Vide Hardy’s Trial, vol. 1. page 322.*]

“ Convention Hall, November 30th, 1793.

“ Eleventh Day’s Sitting.”

[*Vide Hardy’s Trial, vol. 1. page 324.*]

“ Convention Hall, Monday, December 2d, 1793.

“ First year of the British Convention.

“ Twelfth Day’s Sitting.”

[*Vide Hardy’s Trial, vol. 1. page 326.*]

“ Edinburgh,

"Edinburgh, December 4th, 1793."

"Fourteenth Sitting of the British Convention."

[*Vide Hardy's Trial, vol. 1. page 332.*]

Mr. Erskine. Now, do indulge us with reading that which we had before about the four pound raised, and the two bad shillings—the national bank—and also the manner in which the Convention was dispersed.

Mr. Solicitor General. The proceedings of the Convention do not contain any thing about the dispersion of the Convention.

Mr. Erskine. It was read last time.

Mr. Solicitor General. What you allude to was a letter from Mr. Margarot—The money was collected, I believe, in the fourth day's sitting,

(*It was read.*)

"Edinburgh, 21st November, 1793."

[*Vide Hardy's Trial, vol. 1. page 305.*]

(*The following entries were read from the book of the Society for Constitutional Information.*)

"At a meeting of the Society for Constitutional Information,
held at the Crown and Anchor Tavern, Strand, Friday,
January 10th, 1794.

"PRESENT,

"Mr. Banks, in the chair.

"Mr. Horne Tooke, Mr. I. Pearson, Mr. Williams, Mr.

"Bonney, Mr. Fitzgerald, Mr. Sinclair, Mr. Wills, Mr.

"Hull, Count Zenobio, Mr. I. Williams, Mr. Holcroft,

"Mr. Campbell, (Neckinger) Mr. Wardle, Mr. Chatfield,

"Mr. Weldon, Mr. Harrison, Mr. Parkinson, Mr. Rutt.

"Resolved,

“ Resolved, That the important letter received from Mr. Sinclair, the Delegate from this Society to the Convention at Edinburgh, and the subsequent proceedings of that Convention, be taken into consideration on Friday next, and that a general meeting of the Society be called for that purpose.”

“ Resolved, That the foregoing resolution be published in the news-papers.”

“ At a meeting of the Society for Constitutional Information, at the Crown and Anchor Tavern, Strand, Friday, January 17th, 1794.”

[*Vide Hardy's Trial, vol. 2. page 101.*]

Mr. Tooke. I beg that the account of the last meeting may be read over again, because it appears so differently from the printed report—the only intelligence that I could possibly have till this moment—I beg that those resolutions may be read—when I proposed a question to my Lord Chief Justice, whether the proceedings of the British Convention should be read—it was stated that an approbation would be found afterwards in the Society's books of those proceedings. I do not mean to impute it to the gentleman whoever did so state, for he might mistake, and as I cannot recollect every thing in the books, it is not to be supposed that this gentleman, who was not in the Society, should.—It was stated by the Counsel for the Crown, at the time I proposed the question, whether it would be fit to read the proceedings of the British Convention, since their own witnesses have proved that I had nothing to do with it, but opposed it—it was stated as a reason for reading them, that it would afterwards appear from the books, that I, together with other members, had approved of the proceedings of the Convention.

Now these last resolutions prove most clearly, from the very part of the proceedings of the Society, which was stated as the
reason

reason for reading the proceedings of the British Convention, that instead of an approbation being given by me (unless I have mis-heard it) it appeared that as soon as those resolutions came to be proposed, Mr. Horne Tooke, who was in the chair till then, quitted the chair in the midst of reading the resolutions, and that Mr. Gerald took the chair, and then came the approbation of those proceedings which very well might come, because he was a party in those proceedings.

So far from proving an approbation of the proceedings, they prove that that which was stated as a cause for reading them, should not have been so stated. I beg that I may not be supposed to mean to cast any imputation upon the gentleman, who made the mistake, I mean no such thing, least of all to the gentleman whom I now understand to have stated it, for I have the utmost respect for him, and I have it for all the gentlemen. I beg those resolutions may be read over again, and then the Court and Jury will see that just before the approbation of those proceedings came, I quitted the chair, and another person took it.

Lord Chief Justice Eyre. It is fit that the observation should be made, and that the paper be read again to see whether it is founded.

Mr. Attorney General. Your Lordship will do me the justice to say I was not the person who made the observation—and I wish to add, that if I had been the person who made it, I certainly should have made the observation upon a great many more proceedings than this.

Mr. Law. There is no notice taken of who was in the chair, but that Mr. Tooke was in the chair at the beginning of the meeting, and there is this resolution—"Resolved that we approve of the conduct of the British Convention." Upon the face of that proceeding there is nothing to induce one to believe there had been a change in the chair.

Lord Chief Justice Eyre. Read that again.

Mr. Solicitor General. Read the resolutions of the 10th and the 17th.

Mr. Tooke. I call for those resolutions only of the 17th, which plainly shew, if books can shew any thing, that immediately before the resolutions were moved approving of the proceedings of the British Convention, I instantly quitted the chair, in the middle of the string of resolutions, and another person took my place.

Lord Chief Justice Eyre. I wish that to be read that I may take a note of it.

Mr. Attorney General. I am very desirous that it may be read.

Lord Chief Justice Eyre. I want to know where it is that the circumstance of Mr. Tooke's leaving the chair first appears—Is it immediately after—"Resolved that those who imitate his example deserve his fate."?

Mr. Shelton. It is.

Mr. Attorney General. At the meeting on the 10th, at which Mr. Tooke was present, as appears by the book, it was resolved—"That the important letters received from Sinclair, the Delegate from this Society to the Convention at Edinburgh, and the subsequent proceedings of that Convention, be taken into consideration on Friday next; and that a general meeting of the Society be called for that purpose."—"Resolved that this be published in the newspapers." Then there is the meeting of the 17th, to which I beg your Lordship's attention.

Mr. Tooke. I do not mean to be captious; but I beg to know whether my request ought not fairly and reasonably to be complied with, and then the Attorney General to re-read, if he thinks proper, any other resolutions.

Lord Chief Justice Eyre. I think that you are strictly entitled to have that part of the paper read which you request should be read, and if any thing is thought necessary to be read by way of explaining it, that the proper time for its being read is afterwards.

Mr. Tooke. I wish to have the minute read from the beginning to that place.

(It was read again.)

Mr. Maclean. I found this paper in the possession of Mr. Adams.

Mr. Solicitor General. The last article on that day is—
“ Read a letter from Hardy, Secretary to the London Corresponding Society.” This is the letter from Hardy.

(It was read.)

[*Vide Hardy's Trial, vol. 1. page 342.*]

(The following entry was read from the books of the Society for Constitutional Information.)

“ At a meeting of the Society for Constitutional Information,
“ at the Crown and Anchor Tavern, Strand, Friday, January 24th, 1794.”

[*Vide Hardy's Trial, vol. 2. page 102.*]

Mr. Maclean. I found this paper in the possession of Mr. Adams.

Mr. William Woodfall. I believe this to be the hand-writing of Mr. Horne Tooke.

Mr. Tooke. This was proved before, it is an ironical prophecy written by me, unfortunately and too fatally fulfilled.

Mr. Attorney General. I am going to read a resolution that was entered in the Constitutional Society's book on the 24th of January, 1794, in the hand-writing of Mr. Tooke.

Mr. Erskine. That is the same thing you have been reading; you have read it in print, and now you are going to read the manuscript.

Mr. Attorney General. No, I read it from the Society's book; my Lord was kind enough to tell me this morning, that when I produced a rough draft in the hand-writing of the prisoner, it was my duty to read it; following that advice, I am going to read it.

(The rough draft was read.)

Mr. Attorney General. Your Lordship will recollect I have proved that Mr. Martin was proposed by Mr. Tooke; I have also proved that Mr. Hardy was an associated member of the Constitutional Society: I am now going to prove that the Address of the London Corresponding Society, of the 20th of January, 1794, is that which is stated to be "The most excellent Address of the London Corresponding Society,"—and is the Address alluded to in the resolutions of the 24th of January, 1794, in Mr. Tooke's hand-writing, where he states, "that the Corresponding Society had deserved well of their Country."

Mr. Tooke. What the Attorney General states to be proved, I am sure he thinks is proved, but it is possible that he may err, and I think he does now, or else I do greatly; I must beg that the beginning of that last entry may be read over again, to see whether "The most excellent Address of the London Corresponding Society" refers to any and what date.

Mr. Attorney General. It refers to no date. I am going to call a witness to prove that the London Corresponding Society (Mr. Martin being in the chair, and Mr. Hardy, secretary) published an Address upon the 20th of January, 1794; and I mean to prove by evidence that the Address which is spoken of in the resolutions of the 24th of January, 1794, is the Address of the 20th of January, 1794.

Mr. Tooke. Do I understand it right—that you state that you mean to prove that?

Mr. Attorney General. I shall prove it by that evidence, which I shall leave to the Jury upon the fact. I wish not to be misunderstood—I desire to say, and I hope I do not do wrong when I tell you, once for all, that when I state that I have proved any thing, I mean to say no more than that I have offered evidence; the effect of which is for the consideration of the Jury.

Mr. Tooke. I hope I have not hinted or insinuated the smallest idea, when I think you have mis-stated any thing, but that it is the effect of error, and nothing else.

Mr. Attorney General. I am always obliged to you when you correct me.

James

James Davidson, (sworn.)

Examined by *Mr. Attorney General,*

Q. You are a printer, I believe ?

A. I am.

Q. Do you know Mr. Hardy or Mr. Martin ?

A. I know Mr. Hardy.

Q. Were you employed by Mr. Hardy to print any thing before or after the 20th of January last ?

A. I was, before the 20th of January.

Q. Look at this paper (*the Address of the 20th of January, 1794*) ; did you print this pamphlet ?

A. Yes, I believe I did.

Q. Who employed you to print it ?

A. Mr. Thelwall.

Q. Who paid you for it ?

A. I am not yet paid for it.

Mr. Attorney General. I will now prove that this Address of the 20th of January, 1794, was found in the possession of the Secretary of the Constitutional Society.

Q. (*to Mr. Maclean.*) Did you find this any where ?

A. Yes, I found it in the possession of Mr. Adams.

(*It was read.*)

[*Vide Hardy's Trial, vol. 1, page 351.*]

Mr. Attorney General. I am now going to prove a letter of the 24th of January, 1794, from Thomas Hardy, Secretary to the London Corresponding Society, directed to Citizen Adams ; which letter accompanied some copies of the publication which has just been read.

Mr. Maclean. I found this letter at Mr. Adams's.

(*It was read.*)

" CITIZEN ADAMS,

" I am ordered by the London Corresponding Society to
" transmit to the Society for Constitutional Information a few
" copies of their late publications.

" Friday,

" THOMAS HARDY, Secretary."

" Jan. 24th, 1794."

Addressed "*Citizen Adams.*"

Mr. Attorney General. I propose now to read a letter from
Mr. John Martin, the person who signs those resolutions as
chairman, giving an account of the proceedings.

Mr. William Walker, (sworn.)

Mr. Attorney General. Did you ever see Mr. John Martin
write?

A. I have.

Q. Be so good as look at that letter—Is that his hand-
writing?

A. I believe it to be his hand-writing.

(*It was read.*)

[*Vide Hardy's Trial, vol. 1, page 399.*]

Mr. Attorney General. I shall next read a letter of the 11th
of January, 1794, from Thomas Hardy, found in the cus-
tody of Mr. Saint, at Norwich, relative to the intended pro-
ceedings of the 20th of January, 1794.

Mr. James Walsh, (sworn.)

Examined by *Mr. Attorney General.*

Q. Look at that paper, and tell my Lord and the Jury whe-
ther you found it, and where?

A. I

A. I found this paper in the house of a man of the name of Saint, at Norwich.

(It was read.)

[Vide Hardy's Trial, vol. 1, page 342.]

Mr. Attorney General. I am now going to prove a letter which was likewise found in the possession of Mr. Saint, dated the 28th of January, 1794, written by Thomas Hardy.—This letter was forgotten to be read on the last trial.

Mr. Walsh. I found this letter at Mr. Saint's at Norwich.

(It was read.)

" FELLOW CITIZENS,

" London, 28th Jan. 1794.

" On Friday last we answered your letter, and acknowledged
" at the same time the receipt of your declaration and resoluti-
" ons, which we highly approve, and many of which we have
" disseminated; we send you also some addresses resolved upon
" at our general meeting, and which we hope you will also ap-
" prove, and answer without delay: the times are full of danger;
" we must be firm, active, and unanimous, or all is lost—no
" timidity, no dilatory weakness, or we are undone.

" Yours, for the Society,

" THOMAS HARDY, Secretary.

" P. S. I have just heard a report that there are Messengers
" sent down to Edinburgh to bring Margarot and Skirving up to
" London: excuse haste. When you write again, please to send
" to me, under cover, to the same person."

Addressed, " Mr. William Laws, Saint Mary's, Norwich."

Mr. Attorney General. It is in order now that I should offer to your Lordship a witness to prove the hand-writing of the letter of Mr. Thelwall, who was an associated member of the Constitutional Society—I mention it now merely that I may

have an opportunity of proving that hand-writing. There is another letter of the same person, which, for the same reason, I beg your Lordship's indulgence to offer to-morrow morning.

(The following entry was read from the books of the Society for Constitutional Information.)

" At a meeting of the Society for Constitutional Information,
" held at the Crown and Anchor Tavern, Strand, on Friday,
" the 7th of February, 1794.

" PRESENT,

" Dr. Kentish in the chair.

" Mr. I. H. Tooke, Mr. Bonney, Mr. Bryant, Mr. Arthur
" Blake, Mr. Wills, Mr. Sharpe, Mr. Weldon, Mr. G.
" Williams, Mr. Green, Mr. J. Pearson, Mr. John Martin,
" Mr. Thompson, M. P. Mr. Wardle, Mr. I. Williams,
" Rev. Mr. Harris, Mr. Parkinson.

" It was moved that a circular letter be sent to each member
" of this Society with a statement of the case of Mr. Sinclair,
" Delegate of this Society to the Convention at Edinburgh,
" and requesting their assistance to the fund already subscribed
" for him. Passed unanimously."

Mr. Attorney General. Your Lordship observes that the entry as it is now read is—" It was moved that a circular letter be sent to each member with a statement of Sinclair's case:" I shall now call Mr. Maclean, to prove the original minutes by which it appears that that motion was made by Mr. Tooke; and then I shall give in evidence a letter of Mr. Tooke's writing.

Q. (to Mr. Maclean.) Did you find this paper any where?

A. I found it at Mr. Adams's.

Mr. Tooke. The fact is certainly so—I moved it, and wrote the letter.

Mr. Attorney General, (to Mr. William Woodfall.) Look at the signature to this letter, at the writing at the back of it, and two or three interlineations in the middle of it.

A. The interlineations, the signature, and the indorsement, are, I believe, of Mr. Tooke's hand-writing.

Mr. Attorney General. This paper, found at Mr. Adams's, is a rough draught of the resolutions copied into the book, but with these variations—in the rough draft it is “ Mr. Tooke “ moved,” in the book it is “ It was moved.”

(The rough draft was read.)

Mr. Attorney General. Then I desire that the entries of the meeting, on the 7th of February, 1794, at which Mr. Horne Tooke was present, may be read, with respect to the Addressees of the London Corresponding Society to Scotland, and those with respect to Sinclair.

(The following entry was read from the books of the Society for Constitutional Information.)

“ February 7th, 1794.

“ Ordered, That the resolutions relative to the Address of “ the London Corresponding Society, passed at the meeting on “ the 24th of January last, be sent to the Edinburgh Gazeteer, “ for insertion.”

“ Ordered, That a copy of the said resolutions of the 24th “ of January be sent to the Secretary of the London Corresponding Society.”

“ Mr. I. Williams read a letter from Mr. Sinclair at Edinburgh, dated 1st February, 1794.”

“ Resolved, That the Secretary do now read the statement “ of the subscription for Mr. Sinclair.”

“ It was then moved that a circular letter be sent to each “ member of this Society with a statement of the case of Mr, “ Sinclair, Delegate of this Society to the Convention at Edinburgh, and requesting their assistance to the fund already “ subscribed for him. Passed unanimously.”

Mr. Attorney General. Now read that letter to which there is Mr. Tooke's hand-writing—“ Signed, by order of the Society, “ John Horne Tooke.”

(It was read.)

" SIR,

" I am directed by the Society for Constitutional Information, to write to all the members of the Society, requesting their contribution towards the support of Mr. Sinclair,

" When the Delegates from the different Constitutional Societies in Scotland, lately met at Edinburgh, for the purpose of consulting together, and concerting of measures which might be proper to be pursued, in order to obtain a fair representation of the people of Great-Britain, in Parliament, Mr. Sinclair attended, as Delegate, from the Society for Constitutional Information, and behaved, upon that occasion, with a moderation and temper, which have not only been highly approved, but have much endeared him to this Society.

" For that conduct, which we highly approve, Mr. Sinclair was indicted in Scotland, and returned to London upon bail; since that time Mr. Skirving and Mr. Margarot have been sentenced in Scotland (for the same conduct as Mr. Sinclair) to *fourteen* years transportation; with the fate of Messrs. Palmer, Muir, Skirving, and Margarot before his eyes, Mr. Sinclair has returned to Scotland, in discharge of his faith, as a private man, towards his bail, and in discharge of his duty towards an oppressed and insulted public; he has returned, not to take a fair trial, but, as he is well persuaded, to a settled conviction and sentence. These sentences of transportation are *novelties* both to England and to Scotland, and exceed, in cruelty and impudence, any thing practised in the odious and abhorred reigns of the Stuarts; and these sentences are to be carried into execution under the administration of Mr. Pitt; and by him who formerly (though hypocritically and treacherously) professed himself a strenuous advocate for Parliamentary Reform, and himself met the Delegates throughout England, assembled in Convention, at the Thatched House Tavern, for the same purpose as that for which the late Convention met in Scotland,

" Should

" Should it one day be the fate of this Mr. Pitt to be tried by
 " the people of this insulted and oppressed Country, for his treachery
 " to the cause of Parliamentary Reform, we trust they will never
 " consent to send him to Botany Bay; in the mean time we ear-
 " nestly solicit your assistance to alleviate the sufferings of Mr.
 " Sinclair's situation, and to afford him every comfort in our
 " power, under this his honourable and meritorious martyrdom,
 " in which, and in worse (if there be worse), we declare our-
 " selves ready to follow him in pursuit of the same object, vi-
 " delicet, a fair representation of the people in Parliament. By
 " order of the Society

" JOHN HORNE TOOKE."

Mr. Solicitor General. Now refer to the meeting of the So-
 ciety on the 14th of February, when this letter was produced,
 signed by the Chairman, and ordered to be printed, and entered
 in the books.

*(The following entries were read from the books of the Society
 for Constitutional Information.)*

" At a meeting of the Society for Constitutional Information,
 " held at the Crown and Anchor Tavern, Strand, Friday, the
 " 14th of February, 1794.

" PRESENT,

" Mr. I. H. Tooke, in the chair.

" Mr. Hull, Mr. W. Sharpe, Mr. Bonney, Rev. Mr. Joyce,

" Mr. Thompson, Mr. I. Williams, Mr. Beck, Mr. G.

" Williams, Mr. Ashton, Mr. Stark, Mr. Wardle, Mr.

" Bryant, Mr. Banks, Mr. Parkinson.

" The Secretary produced a copy of a letter to be sent to the
 " members of the Society, in conformity with the order of the
 " last meeting, two amendments were proposed and agreed to."

" Resolved, That the letter, now produced and amended, be
 " signed by the Chairman, and that the same be printed and
 " sent to the members of this Society."

" At a meeting of the Society for Constitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday, 7th
" of March, 1794,

" PRESENT,

" Mr. Sharpe in the chair.

" Mr. Gawler, Rev. J. Joyce, Mr. Bonney, Mr. Blake, Mr.
" Tooke, Mr. Wills, Mr. G. Williams, Mr. Satchell, Mr.
" Wardle, Mr. Kyd, Mr. Stark, Mr. Hull, Mr. Holcroft,
" Mr. Chatfield, Mr. Thompson, Mr. Rutt, Mr. I. Wil-
" liams, Mr. Beck, Mr. Banks, Mr. H. Campbell, Mr.
" Fawcett.

" Read a letter from Mr. Sinclair at Edinburgh."

" Resolved, That Mr. Hull be requested to obtain credit for
" Mr. Sinclair at Edinburgh for twenty guineas, on account of
" this Society."

" Ordered, That the Secretary pay Mr. Williams ten pounds,
" remitted by him to Mr. Sinclair, out of the subscription for
" Mr. Sinclair."

" Mr. Tooke gave notice that he would at the next meeting
" of this Society move that two books should be opened; one
" of them bound in black, in which shall be entered all the
" enormities of those who deserve the censure, and in the other
" the merits of those who deserve the gratitude of the Society."

Mr. Attorney General. I am now coming to what I stated I
would read to-morrow morning.—I must trouble your Lordship
to go back to a letter from Margarot to the Norwich Societies,
dated Edinburgh, the 24th of November, 1793. Margarot
was not only a member of the Constitutional Society, but a
Delegate of the Corresponding Society in London, and also a
Delegate of the Societies in Norwich to the Scotch Conven-
tion.

Mr.

Mr. Walsh. I found this paper at Mr. Saint's at Norwich.

(*It was read.*)

Edinburgh, 24th November, 1793.

" GENTLEMEN,

" I yesterday received your letter of the 16th current, in
 " answer to mine of the 7th, requesting your Society to send a
 " Delegate to the General Convention; I am sorry you cannot
 " conveniently do so, as an addition to our number would be
 " very serviceable. I must, at the same time, return you my
 " thanks for the confidence you have reposed in me; I cheer-
 " fully accept the office of Delegate for the united Societies in
 " Norwich, to whom, as we have long been in correspondence,
 " I cannot think myself entirely unknown; be assured then, my
 " worthy fellow-citizens, that I will endeavour, to the utmost
 " of my poor abilities, to prove myself worthy of the great
 " trust reposed in me.

" You talk of bearing your share of the expences—to this I
 " reply, that it is one of our first principles, and that, therefore,
 " I am bound to accept it; but, while I do so, I am equally
 " bound to inform my constituents in what manner the supplies
 " I may receive from them are to be employed for their advan-
 " tage. You will then learn that the London Corresponding
 " Society allows both its Delegates a certain weekly sum, be-
 " sides their expences to and from London: but as that allow-
 " ance is regulated not so much by their good wishes as by the
 " scanty state of their finances, we find ourselves obliged not
 " only to bear certain part of the expences, but also feel our-
 " selves very much cramped in our proceedings, and cannot,
 " without great pecuniary inconvenience, visit the different
 " parts of Scotland, which it is absolutely necessary should be
 " instructed and encouraged before we return to England.
 " My colleague, Joseph Gerald, means, therefore, as soon as
 " the sitting of the Convention is over, to return to London,
 " in order that the Society, having only one to provide for, may
 " be the better enabled to encourage the furtherance of so im-
 " portant

" portant a mission, and that I may then spend a month or six
 " weeks in visiting the numerous friends to reform in various
 " parts, in bringing them to adopt an uniform system of re-
 " gulations. If, therefore, the plan (which I believe absolutely
 " necessary) meets your approbation, whatever supplies you
 " may think proper to transmit to me shall be employed therein;
 " and, as we have already met with signal success since our ar-
 " rival, I make no doubt but if I am enabled to continue in
 " Scotland a few weeks longer it will much advance the cause.
 " I will now proceed to give you an account of what has hap-
 " pened here.

" You know that at our arrival here we found that the
 " Convention had, after sitting four days, adjourned, and the
 " Delegates were all gone back to their respective habitations,
 " without proceeding any farther in the business of Reform,
 " than simply agreeing that nothing short of Universal Suffrage
 " and Annual Parliaments would satisfy them, and on that
 " ground proposing not to send any petition to the King or to
 " the Parliament, lest by so doing the enemies of Reform might
 " be tempted to counteract their wish, and exert themselves to
 " prevent a peace; but at the same time it was recommended
 " by the Convention, that all friends to Reform should sign any
 " petition for peace, which might originate in another quarter.
 " We soon prevailed on the Edinburgh Committee to recal the
 " adjourned Convention; the country Societies, informed that
 " England meant to take a serious part in the great cause, sent
 " back all their former Delegates, and several of them who had
 " not sent Delegates to the prior Convention, have sent some to
 " this one. On Tuesday, the 19th instant, the Convention
 " opened. The number of Delegates amounted to 180; some
 " of them came even from so far as Cromartie; the reception
 " we experienced was highly flattering; we mutually gave and
 " received encouragement and animation. I shall not at pre-
 " sent attempt to give you a minute detail of what has since
 " passed, because the minutes are to be printed, and then I will
 " not fail sending you a few copies of them, and will, I hope,
 " be

" be able at my return to come to Norwich, and give you an
 " accurate verbal account of every transaction; mean time, if
 " you have any instructions to give me, send them without de-
 " lay, otherwise I shall act for you conformably to those laid
 " down by the London Corresponding Society, a copy of which
 " you doubtless have received from them. The Convention
 " have begun by establishing a set of rules for the organization
 " of the present and even future *Conventions*: next we estab-
 " lished a Committee of Union between the two nations, a
 " Committee of Finance, and a Committee to take into con-
 " sideration the protecting or establishing a patriotic newspaper.
 " And on Saturday last we passed a provisory decree of union,
 " the whole Convention, standing hand in hand, solemnly
 " pledged themselves to each other to renounce all national dis-
 " tinctions, to abide firmly and truly by each other, until the
 " great end is obtained; and at the same time we assumed the
 " title of *The British Convention of Delegates of the People,*
 " *associated to obtain Universal Suffrage and Annual Parlia-*
 " *ments.*

" In my next I will give you another address for those letters
 " which you may write me, until you make use of the same
 " which I sent you before; be so good also as to send me two or
 " three unsuspected directions for my letters, because I much
 " fear that at times curiosity engages the people employed in
 " the post office to open our correspondence. Mr. Muir and
 " the Rev. Mr. Palmer have both been put on board the Royal
 " George cutter, and have been sent off to London. The
 " news from the continent you are better informed of than I
 " can be, therefore I shall not talk of that. Let me hear from
 " you as soon as you can, and assure the Society, from me,
 " that nothing shall be wanting on my part to bring about a
 " speedy and a thorough Reform of Parliament: but I must
 " not hide from you that our greatest hopes are on the country
 " where I now am, for not only a majority of the people are on
 " our side, but they are most of them so well-informed that
 " they only require the English Delegates to encourage them in
 " the name of their respective Societies, and they will proceed
 " regularly

" regularly and firmly; so that my hopes are sanguine that a
" reform will soon become the general topic.

" I am most sincerely,

" Friends and fellow-citizens,

" Your faithful Delegate and fellow-labourer,

" MAURICE MARGAROT."

Mr. Attorney General. I propose to read next a letter of the
2d of December, 1793, from Mr. Gerald and Mr. Margarot,
who were Delegates from the London Corresponding Society,
and also members of the Constitutional Society.

Q. (to Mr. Gurnell.) Look at that paper—did you find that
in any place?

A. I found it in the possession of Mr. Hardy.

(It was read.)

[*Vide Hardy's Trial, vol. 1, page 272.*]

Mr. Attorney General. I propose now to read a letter of the
10th of March, 1794, from Margarot to the Norwich Society.

Mr. Walsh. I found this paper at Mr. Saint's house at
Norwich,

(It was read.)

" Spithead, the 10th of March, 1794.

" Worthy Friends, and Fellow Citizens,

" Our stay here being longer than was at first expected, I
" avail myself of that delay to acknowledge the receipt of twenty
" pounds from your Society, which have been delivered to me
" by Thomas Hardy, our Secretary, to whom you had remitted
" them, and who has been down here purposely to see me, and
" make some arrangements for the future, but whose business
" has called him back to London before any thing could be
" settled between us. At first he seemed to think that the money
" was

" was meant by you to be divided among the four who are now
 " suffering together; but, on my acquainting him that those
 " gentlemen were infinitely better off than myself in that respect,
 " inasmuch that they are continually receiving private presents,
 " and are moreover supported by many Noblemen and rich Mem-
 " bers of Parliament, these latter seeking only (I much fear) to
 " make a party affair of it, that he gave the money to my own
 " disposal. If, however, you meant otherwise, your intention
 " shall be complied with immediately on its being made known
 " to me.—So much for pecuniary affairs.—*This morning 19*
 " *ships of war have left Spithead for the Channel, and it is here*
 " *reported that the Brest fleet is out: Rumour, always magnify-*
 " *ing things, says there are 70 sail of French at sea, if so, there*
 " *must be a number of transports among them, and a descent may*
 " *probably be the consequence. For God's sake, my worthy friends,*
 " *do not relax in the Cause of Freedom—Continue as you have*
 " *begun—Consolidate your own Societies—Unite with others—*
 " *Persevere, and make no doubt but, sooner or latter, your en-*
 " *deavours will be crowned with success.* I have also to thank
 " you for the affectionate address I received from you. Be
 " assured that my utmost ambition will ever be to deserve your
 " confidence and your esteem. The tide of fortune, however
 " strongly it may run against our cause at present, must soon
 " have a turn: The eyes of mankind will naturally open—when
 " their pockets empty, and their blood spills, they will ask each
 " other for whom are we thus sacrificing ourselves, and murder-
 " ing others? What advantage results to us from all this ex-
 " penditure and slaughter? And by interfering in the govern-
 " ment of another country, do we not set other nations an ex-
 " ample to interfere with our own government, and to model
 " it as they think proper? Should they do so, Popery and des-
 " potism must be our lot—may gracious Providence avert it;
 " may we rather all to a man be determined to live free or
 " die! In my exile nothing would afflict me so much as to hear
 " that my country was enslaved, and that my countrymen hug-
 " ged their chains. I trust, however, the national spirit of
 " Britons

" Britons will prevent it. Adieu, my dear friends; and ever
" remember

" Your faithful

" M. MARGAROT.

" P. S. This day a mock debate concerning our Sentence is to
" take place in P——."

*It being now nine o'clock on Tuesday night, the Court adjourned
to nine o'clock on Wednesday morning.*

SESSION HOUSE IN THE OLD BAILEY.

Wednesday, November the 19th.

PRESENT,

Lord Chief Justice EYRE;
 Lord Chief Baron MACDONALD;
 Mr. Baron HOTHAM;
 Mr. Justice GROSE;
 Mr. Justice LAWRENCE;
 And others, his Majesty's Justices, &c.

John Horne Tooke set to the bar.

Mr. Attorney General. I am now going to prove a letter of the 26th of May, 1792, from Ashton, of Sheffield, to the Constitutional Society, which relates to the correspondence of the Friends of the People.

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

(It was read.)

[Vide Hardy's Trial, vol. 4, page 87.]

Q. (to Mr. William Woodfall.) Look at the interlineation of the word "*from*."

A. That is an interlineation in Mr. Tooke's hand-writing.

Mr. Tooke. Yes, I wrote the word "*from*."

Mr Solicitor General. We are now going to give, in evidence, a letter which was omitted last night, from the London Corresponding Society to the Constitutional Society at Sheffield, in which they state, they do not expect that any petitions will produce a reform; but still they wish petitions to be made.

Mr. Edward Lauzun. I found this paper in Mr. Hardy's house.

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[*Vide Hardy's Trial, vol. 1. page 242.*]

Mr. Edward Lauzun. I found this paper in Mr. Hardy's house.

(*A letter from Margarot and Hardy, to Kilminster, Secretary to the Birmingham Society for Constitutional Information, June 10th, 1793, read.*)

[*Vide Hardy's Trial, vol. 1. page 247.*]

Mr. Solicitor General (to Mr. William Scott.) Did you find this paper any where?

A. I found it amongst Mr. Skirving's papers.

(*A letter from Thomas Hardy, to William Skirving, Edinburgh, dated London, October 6th, 1793, read.*)

[*Vide Hardy's Trial, vol. 1. page 261.*]

Mr. Attorney General. I am going to produce the commissions of Margarot and Gerald (who, your Lordship will recollect, were members of both Societies) as Delegates to the Convention in Scotland.

(*They were read.*)

[*Vide Hardy's Trial, vol. 1. page 267.*]

Mr. Solicitor General. We will now read the entry in the books of the Constitutional Society, of the 8th of November, 1793, in which it is stated, that letters were read from the Societies at Sheffield, Leeds, and Birmingham, in answer to their Secretary's

Secretary's letter of the 28th of October, which letter, your Lordship recollects, was relative to sending deputies to the Convention.

(The following entry was read from the book of the Society for Constitutional Information.)

" At a meeting of the Society for Constitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday, 8th
" November, 1793.

" PRESENT,

" Mr. I. Williams, in the chair.

" Mr. I. H. Tooke, Count Zenobio, Mr. William Sharpe,
" Mr. Bonney, Mr. Wills, Mr. Martin, Dr. Kentish, Mr.
" Wardle, Mr. Harrison, Mr. Chatfield, Mr. Holcroft.

" Read letters from the Constitutional Societies at Sheffield,
" Leeds, and Birmingham, in answer to the Secretary's letter
" of the 28th ultimo."

Mr. Attorney General. I shall now produce letters in answer to the Constitutional Society, relative to sending Delegates to the Scotch Convention.

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

(It was read.)

" Sheffield Committee Room of the Constitutional
" Society, November 1st, 1793.

" SIR,

" Your letter, and the resolution of the Society for Constitutional Information in London, are this moment delivered to me
" by Mr. Ashton, in answer to which I sit down instantly to inform you that this Society has already transmitted its sentiments
" to the Secretary of the Convention in Edinburgh, Mr. Skirving, and declined sending a delegation for reasons which I will
" transcribe in the words of our letter.—That it would have
" given this Society the most heartfelt satisfaction to have had a
" delegation

" delegation present at their approaching Convention, had we
 " received timely notice of their wishes that it should be so—but
 " it unfortunately happens, that all the gentlemen belonging to
 " the Society, which it would chuse for so important a business,
 " are so previously engaged in affairs which they cannot possibly
 " postpone in so short an interval, that it is not in our power to
 " comply with their requisition on the present occasion.

" This Society are also of opinion, that to give such a mea-
 " sure its full effect, it would be necessary that the other Soci-
 " eties in South Britain should have communication with each
 " other on the subject, and be able to ascertain that deputations
 " would be sent from at least a majority of the Societies in this
 " part of the kingdom. And to evince that we should be happy
 " to unite our efforts with theirs in one firm and settled plan,
 " we assure them, that if they think proper to fix another meet-
 " ing in January or February, or any other time which may be
 " more agreeable, and give us immediate notice thereof, and that
 " they wish to see Delegates from the several Societies in this
 " part of the kingdom, we will write to all those we are in cor-
 " respondence with, to get such a delegation as may be truly re-
 " spectable and important.

" The above extract will evince to you, Sir, and the Society
 " for Constitutional Information, how far your proceeding meets
 " with our approbation. There is a worthy member of this So-
 " ciety and of the Committee, and I believe also of the Com-
 " mittee of twelve, admitted into your Society, Citizen Alcock,
 " now in London, and I doubt not but he has, before this will
 " reach you, given you the whole information herein contained;
 " but so scrupulously exact am I in answering every letter on
 " public business, that I will not trust to him, though I know he
 " is particularly desirous of being introduced to you.

" I was chosen Secretary, *pro tempore*, to answer the letter from
 " Mr. Skirving, and therefore continue the office thus much far-
 " ther, not to keep you in suspense, as the Committee will not
 " meet again before Wednesday next, and two or three of the
 " members, who have seen your letter before I did, sent to re-
 " quest I would do so.

" I cannot close this letter without remarking, that all the Societies we are in correspondence with, have been remarkably remiss in their communications for several months past; to many we have addressed more than one or two letters without receiving any answers. This Society has been very active, and particularly in publishing, by which several *individuals* have suffered considerably, as the burthen has fallen chiefly on them. We have many thousand members, but a vast majority of them being working men, the war, which has deprived many of them of *all* employment, and almost every one of *half* his earnings, we have been crippled more than any other in the kingdom. We have the satisfaction to know that *we have done* great good, but I fear we must content ourselves with *good intentions* and wishes in future, as our funds are not only exhausted, but the Society is considerably in debt, and that debt must fall on a few who have stood forward on every occasion with their zeal, their active efforts, and their credit.

" It appears to me, that if the Societies do not become more active, and more united in their efforts in the time to come, what they have done hitherto will be rendered useless, and arbitrary power will trample on all that is dear and valuable to freemen. The measures lately adopted in the sister kingdom, measures as opposite to, and incompatible with a free constitution as fire and water, and since followed up by the most slavish and horrid doctrines in the courts in Scotland, have hitherto been viewed only with a degree of apathy by the great bodies in the kingdom, which we little folks in the country look up to for examples, styling themselves patriotic, such as "The Society for Constitutional Information, in London." "The Friends of the People, ditto," "The Friends to the Liberty of the Press," that we begin almost to think here, it is time to nip those buds of freedom which were beginning to blossom with so much luxuriance, lest they should be exposed to the danger of being blighted by those torpid frosts which appear to have chilled every animating influence in those great barriers which we looked to for defence and protection.

" I assure you, my good Sir, nothing is further from my intention than to give the smallest offence—I am a staunch Democrat, and speak my mind freely; and I hope you will consider what I have hinted at the supineness which appears at present to possess too great a sway, as merely the effect of that warmth and zeal for the great cause we are both strenuous to support and forward, the cause of Freedom and Parliamentary Reform.

" I am, with the greatest respect, Sir,

" your most obedient servant,

" MATTHEW CAMPBELL BROWN.

" Secretary, *pro tempore*, to the

" Constitutional Society Sheffield."

Addressed " Mr. D. Adams, Attorney at Law, Tooke's-court,
" Chancery-lane, London."

Mr. Solicitor General. Now I will shew from the proceedings of the British Convention, that notwithstanding this letter, the Sheffield Society did send a Delegate,

(*Extract from the Proceedings of the British Convention, read.*)

" *Additional Delegations.*

" *Crown and Anchor, London,*

" Charles Sinclair, Henry Yorke."

" *London Corresponding Society,*

" Joseph Gerald, Maurice Margatot."

" *Sheffield Constitutional Society,*

" Matthew Campbell Brown."

Mr.

Mr. Solicitor General. Now I will shew from their proceedings that Matthew Campbell Brown, was an active member of the British Convention.

(*Extract from the Proceedings of the British Convention, read.*)

" Citizen Brown, of Sheffield, produced a commission from the Leeds Constitutional Society, appointing him their Delegate, which was received and approved of by the Convention."

" Edinburgh, November 26th, 1793.

" Seventh Day's Sitting.

" Citizen Matthew Campbell Brown, in the Chair."

Mr. Solicitor General. Now we will read the letter from Leeds, that was mentioned in the same entry in the Constitutional Society's books.

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

(*It was read.*)

" SIR,

" Your's of the 29th I received, and laid it before the Committee of the Leeds Society on Monday the 4th of this instant.

" It is with great satisfaction we read your letter, and approve your having elected your Delegates to serve upon such a laudable undertaking; but if you meant for the Leeds Society to adopt the same measures, shall be glad if you will answer this immediate; as we are not acquainted with the time of their fitting we fear our Delegates would be too late.

" I am, Sir, with great respect,

" Your humble servant,

" Quarry-Hill,

" CHARLES HUNDLEY,

" 5th Nov. 1793. " Secretary of the Constitutional Society."
Addressed, " D. Adams, Esq. No. 4, Tooke's-court, Chancery-lane,
" London."

Mr. Attorney General. We will now read a letter from Hardy to the Norwich Society, desiring them to send Delegates to the Scotch Convention, and we shall prove they appointed Margarot, who was also a member of the Constitutional Society.

Mr. James Walsh. I found this paper in Mr. Saint's house, at Norwich.

(It was read.)

" *London Corresponding Society, Nov. 23d, 1793.*

" FELLOW-CITIZENS,

" You have been already informed, by the correspondence
" subsisting between the respective divisions of the Patriotic So-
" cieties in England and Scotland, of the Convention called
" and now sitting in Edinburgh, for the purpose of obtaining
" a speedy and radical Reform in the system of Parliamentary
" Representation; and you are also in possession of the circum-
" stances of our having sent two Delegates (Citizens Margarot
" and Gerald) to represent our increasing Society in that respect-
" able assembly. The Society for Constitutional Information
" also elected two Representatives (Citizens Yorke and Sinclair)
" the latter only of whom has gone to Scotland for the discharge
" of his important mission.

" Citizens, the object of our present letter is to inform you
" of the important communications which our mission has already
" produced. The spirit and resolution it has diffused through
" the respective Societies in Scotland—the rapid increase of the
" avowed friends of liberty, which has already made its ap-
" pearance, and the prospects which have been opened before us
" of the most complete union, the most determined perseverance,
" the most active exertion in every constitutional measure, that
" can be devised for the recovery of our rights, and the complete
" renovation of the liberties and happiness, which as men we are
" entitled to, and, as Britons, we have been taught to expect.

" An increase of affection, of zeal, and of confidence; a con-
" cert

" cert of permanent union; a free communication and com-
 " parison of sentiments and intentions; mature deliberation and
 " mutual reliance—these are the fruits of the wise and spi-
 " rited measures adopted by the friends of liberty in Scot-
 " land, and seconded by the Societies of London and of Ire-
 " land.

" Britons, and Fellow-Citizens! let us rouse you to imme-
 " diate co-operation with these efforts for the general good;—
 " let us awake you to a sense of the importance of the present
 " moment, and persuade you, persuade all the Patriotic Socie-
 " ties in England to strengthen by their immediate junction with
 " this grand federation;—that as those who are hostile to our
 " freedom are already united by compacts, interests, and coa-
 " litions, the friends also of that glorious principle may be
 " bound together by a link still more firm, more intimate,
 " and more durable, to resist every oppression and usurpa-
 " tion that may be attempted, and vindicate the ' Rights of
 " Man.'

" The Society at Norwich has already, in some degree, imi-
 " tated our example: For though time and convenience did
 " not permit them to elect a separate Delegate, they have sent
 " a written authority to Citizen Margarot to act for them in
 " that capacity, together with instructions to enable him to
 " state their sentiments to the Convention, and directions for
 " him to correspond with them, and render their fraternity more
 " complete.

" Citizens! Permit us to unite our voices with those of
 " our brethren in the North, to request you, by some such me-
 " thod (if you cannot render it convenient immediately to
 " send a Delegate of your own) to assist the closer union,
 " and more immediate communication of the respective So-
 " cieties.—Persuaded as we are that the friends of liberty,
 " if encouraged by the conviction of general union to step
 " forward, and avow their sentiments, are already so nu-
 " merous and respectable as to ensure a speedy termination
 " of the calamities of an unjustifiable war, and a restora-
 " tion

" tion of every right to which Britons and Freemen are
" entitled:

" We are, in the firm assurance of your zeal and sin-
" cerity in the cause of liberty, your affectionate
" Fellow-Citizens.

" THOMAS HARDY, Secretary."

" P.S. I received your letter, and I sent it to Edinburgh
" according to your direction."

Mr. Attorney General. I am now going to read from the book
of the Constitutional Society an entry of the 6th of December,
1793; that in the presence of Mr. Tooke, as far as that fact is
made to appear by the book, a letter was read from Sinclair,
one of their Delegates, to the Constitutional Society in London,
desiring that a Secret and Select Committee might be ap-
pointed to correspond with him; and that a Secret and Select
Committee was accordingly appointed.

*(The following entry was read from the book of the Society for
Constitutional Information.)*

" At a Meeting of the Society for Constitutional Informa-
" tion, held at the Crown and Anchor Tavern, Strand, on
" Friday the 6th of December, 1793,

" PRESENT,

" Mr. Bonney in the Chair.

" Mr. I. H. Tooke, Mr. W. Sharpe, Count Zenobio, Mr. I.
" Williams, Mr. Balmanno, Mr. Symonds, Mr. Martin, Mr.
" Wardle, Mr. Chatfield, Mr. Harrison, Mr. B. Cooper, Mr.
" Holcroft, Mr. Satchell, Mr. Hardy.

" Read a letter from Mr. Charles Sinclair, Delegate from
" this Society at Edinburgh, dated the 7th of November, with
" the Secretary's answer to that letter; and also another letter
" from Mr. Sinclair, dated the 12th of November."

" Resolved, That a general meeting of this Society be called
" for the second Friday in January next, for the purpose of con-

“ sidering the important letters received from the Delegate, Mr. Sinclair.”

“ Resolved, That a Committee be appointed to correspond with our Delegate, Mr. Sinclair.”

“ Resolved, That Mr. Balmanno, Mr. John Williams, Mr. Martin, Mr. Bonney, and Mr. Wardle, compose the Committee.”

Mr. Attorney General. I am going to read those letters from Sinclair that are referred to in this resolution.

Mr. Thomas Maclean. I found these three papers in the possession of Mr. Adams.

(They were read.)

“ SIR,

“ *Edinburgh, 7th November, 1793.*

“ In obedience to my instruction, I hasten to inform you of the state of affairs here, as fully as the time will permit.

“ When I came, I found that the Convention had met, and are again re-called by their existing Committee for the 19th of this month, in consequence of the arrival of the Deputies of the Corresponding Society, and the intimations from various parts of England, that the shortness of the notice, was the chief obstacle to their sending Delegates; and such indeed is the extreme joy shewn by the friends of liberty here on our appearance among them; such is their cordiality and frankness in their communications with us, and above all, so anxious are they for a union of sentiment, and of exertion in the common cause with the people of England, that it will be highly disgraceful and culpable, if a spirit fraught with such evident advantage to the suffering millions of both countries be permitted to languish without encouragement. I therefore entreat you to take the earliest opportunity of laying this information before the Society, in order that they may exercise their discretion upon the steps necessary to be taken for strengthening our numbers, and rendering our measures as effectual as possible. The temper of
“ the

" the people here gives me the greatest reason to hope that
 " they are ready, at least, to acquit themselves of their duty,
 " and as I act in perfect unison with the representatives of the
 " Corresponding Society, I flatter myself that our conduct has
 " tended very much to recover them from the temporary de-
 " pression, occasioned by their receiving no Delegates from
 " England. Ever since my arrival we have regularly attended
 " all their meetings, which are numerous and daily. It de-
 " lights me beyond measure to see numbers around me who
 " appear to sacrifice all other objects to the great cause in
 " which they are engaged. To the superficial observer, the
 " extreme severity of the sentence of Mr. Muir and Mr.
 " Palmer, may appear to contradict what I say of the disposi-
 " tion of the people, but I am happy in being able to assure
 " you of its truth. The fears of the Borough-mongers are
 " much greater here than in England, and the vengeance (not
 " the justice) of the magistracy corresponds perfectly with his
 " apprehensions. The fate of Palmer and Muir has made a
 " deep impression on the public mind. A report had been cir-
 " culated yesterday that it was the intention of Government
 " to send the latter on shipboard immediately; great pains were
 " taken to preserve the people tranquil, as it was apprehended
 " that it might be an artifice of the common enemy, in order
 " to excite disturbance, and this opinion appears to be founded,
 " as Mr. Muir was desired to hold himself in readiness to go
 " where, or when he knoweth not; indeed nothing can exceed
 " the folly of the proceedings against this man, they seem
 " careful that nothing shall be omitted to be done that can
 " possibly attach the public notice and affection to him; he is
 " confined with another person in a small room, the floor of
 " which is of stone, and no more than two visitors are per-
 " mitted to be in the room at the same time; in short, all ju-
 " dicial proceedings here are summary, and all punishments are
 " severe in the extreme; if a man is suspected, he is imme-
 " diately apprehended, and undergoes a secret examination;
 " this was the case with Mr. Hamilton Rowan, who was ap-
 " prehended on Tuesday in Mr. Muir's room, in about two
 " hours

“ hours after his arrival, upon a charge of *SEDITIONS INTEN-*
 “ *TIONS, and for which he is held to bail to stand trial*; this
 “ excellent patriot has it in contemplation to make them a pre-
 “ sent of the bail, as he thinks *it may be acceptable*; he is ac-
 “ companied by the Honourable Simon Butler, and both re-
 “ turn to Ireland this day.

“ Since even the intentions of men are here become matters of
 “ legal enquiry, and, in some degree, of punishment, and as
 “ the Crown Lawyers may attribute what intentions they please
 “ to the accused, it is not improbable but the Delegates from
 “ London, notwithstanding our utmost caution, may be ho-
 “ noured by a visit from those worthy alguazils. Be not, how-
 “ ever, apprehensive about us; for, upon examination, I find
 “ the proceedings here something more mild than those of the
 “ Inquisition. We are prepared accordingly. We have taken
 “ our resolution to follow the example of Colonel Lilbourne, in
 “ refusing to answer any questions until the people are admitted;
 “ and then to maintain that we are bound to answer a criminal
 “ charge only before a Jury of the Country, who alone can
 “ determine its guilt or its innocence.

“ Pray inform me why my friend and colleague is not here;
 “ if a continuance of his disorder unhappily prevents him, it
 “ will be absolutely necessary to send another by the meeting of
 “ the Convention. If you had sent twenty Delegates from
 “ England (and if your activity and exertions had equalled those
 “ of the citizens here, three times the number might have been
 “ sent with ease) its effects would have been great beyond cal-
 “ culation. I judge from what I see; and, I hope, that no exer-
 “ tion shall be wanting on your part to induce the other Societies
 “ to follow the example which you have set them; for myself, I
 “ beg you to inform the Society, that no personal consideration
 “ shall ever shake my zeal in a cause, the accomplishment of
 “ which, from my earliest years, I have ever considered as an
 “ indispensable duty, and which, at present, derives a fresh im-
 “ pulse from the miseries of that class of men from whom I have
 “ no right to think myself removed. In times, like these, the
 “ post

" post of danger is the post of honour ; and he who will not be
" used, ought to be abused.

" I am, Sir,

" Your humble servant,

" CHARLES SINCLAIR,

" Delegate from the Society for Constitutional Information."

" D. Adams, Esq; Secretary to the Society

" for Constitutional Information."

" Robinson's, Leith Walk, 12th November, 1793.

" DEAR SIR,

" Upon mature reflection, I beg leave to request that the So-
" ciety may be pleased to appoint a Secret and Select Com-
" mittee, to receive such further communication as shall appear
" proper to be referred to them; they will necessarily be invested
" with a responsible power to return an immediate answer to my
" letters: the time is now nearly arrived when it shall be neces-
" sary for you to do much or nothing; upon all similar occasions,
" what has been so fatal as distrust? A Committee, formed from
" the talents and integrity of the Society, ought to be confided
" in; here at the advanced guard I am ready to set the example.

" Mr. Skirving called upon us this morning, and informed us
" that he expects a very full Convention; and that, in conse-
" quence of our arrival, many new Societies are formed, and
" forming in different parts of the Country. Lord Daer is just
" come to town.

" I wish you to send me, immediately, a number of your
" publications, as I think they may be distributed here with in-
" finite advantage. You can send them by the Royal Charlottes
" from the George and Blue Boar, Holborn, directed to me at
" Robinson's, Leith Walk.

" Although Mr. Muir is in very bad health, he is expected
" to be instantly removed to London; if so, let me assure the
" Society they cannot oblige the Scotch more, than by paying
" him every attention; they consider him as a martyr in their
" cause. A subscription is opened for him here, and, perhaps,

" it

“ it may be very avifable to forward it in London, as much as
 “ possible; for, by all accounts, his finall fortune has been quite
 “ impaired in the public service.

“ The Friends of the People, in Edinburgh, invited the two
 “ Irish Gentlemen, mentioned in my laft, and Margarot, Gerald,
 “ and myself, to a fumptuous dinner, which they had prepared
 “ for us. The health of my constituents was given with three
 “ times three; in return for which I took upon me to affure
 “ them, that they, who have fo long deserved well of their
 “ country, fhall not now relax their endeavours,—in full confi-
 “ dence that they will keep my promife.

“ I am, Dear Sir,

“ Your very humble fervant,

“ CHARLES SINCLAIR,

“ Delegate from the Society for Constitutional Information.”

“ P. S. Pray have the goodnefs to order me the Morning
 “ Chronicle from Ridgways, for I have no time to fpend in a
 “ coffee-houfe.”

Addressed “ *D. Adams, Secretary to*

“ *the Society for Constitutional Information.*”

“ SIR,

“ I have the fatisfaction to inform you, that the Delegates
 “ from the Societies in London have, at length, arrived at
 “ Edinburgh. Delegates from the other Societies in England,
 “ and who are now upon the road, will foon alfo be here to wait
 “ upon the FRIENDS OF THE PEOPLE, in order to efta-
 “ blifh an INDISSOLUBLE FRATERNITY between
 “ the two nations, and to adopt thofe meafures which, at this
 “ awful period, may have a tendency to fave the Country.

“ SOLEMNLY pledged, as you are, to a common and
 “ JUST caufe, no hardfhip and no expence can be thought too
 “ great for you, while you are confcious that you are difcharging
 “ your duty. With no propriety can you refufe to attend upon
 “ your brethren from England, who, at fo much expence, and
 “ from fo great a diftance, have come to unite their affections
 “ and deliberations with you.

“ I feel

" I feel it my duty, in coincidence with the sentiments of the
 " General Committee here, again to recal the SOCIETIES
 " by their Delegates to this place. Every moment is precious,
 " and delay is synonymous to treachery.

" I expect therefore, Sir, to have the honour of seeing you
 " on the 19th current, in the GENERAL CONVENTION
 " OF THE DELEGATES, in compliance with the public
 " advertisement, which I was bound to insert in my official ca-
 " pacity, in the GAZETTEER of yesterday; to which I
 " entreat your particular attention.

" If you cannot possibly attend, it will be proper to call the
 " COMMITTEE of your SOCIETY to appoint one or
 " two in your place. No exertion on the part of a friend
 " should be wanting at this *important crisis* to render this CON-
 " VENTION still more respectable; and none who have the
 " cause at heart, and discern how MUCH IS AT STAKE,
 " will be remiss.

" Let it be our ardent prayer to GOD, that his wisdom may
 " direct their measures, and that his benediction may attend the
 " execution of them.

" I have the honour to be, Sir,

" Edinburgh,

" Your most obedient servant,

" Nov. 7th, 1793. "WILLIAM SKIRVING, Secretary."

Addressed, " D. Adams, Esq; Tooke's-

" court, Chancery-lane, London."

Mr. Attorney General. The next letter I offer in evidence is
 dated Tolbooth, the 24th of January, 1794, from Margarot to
 Hardy, which I read for the purpose of shewing there were
 armed associations proposed.

Mr. John Gurnell. I found this paper in Mr. Hardy's house.

(It was read.)

[*Vide Hardy's Trial, vol. 1, page 401.*]

Mr.

Mr. Attorney General. I will now produce a letter of Mr. Thelwall's, who your Lordship recollects is also an associated member of the Constitutional Society; and I produce it for the purpose of having a passage in it read relative to the Address of the 20th of January, of the London Corresponding Society; having before read the letter by which that Address was communicated by Hardy, the Secretary of the London Corresponding Society, to Adams, the Secretary of the Constitutional Society; and having read the entry of the 24th of January, 1794, which states, that "the most excellent Address of the London Corresponding Society was approved of by the Constitutional Society." I have taken the liberty of mentioning thus much because I understand in the last trial, in my absence, this letter was not read, your Lordship thinking it was not evidence:—I conceive that it is evidence, and I beg leave to offer it.

Mr. Gibbs. Mr. Tooke desires me to make no objection to it.

The Reverend Richard Williams, (sworn.)

Mr. Solicitor General. Look at that letter, (*showing it to the witness.*)—Do you know whose hand-writing it is?

A. I believe the signature to be Mr. Thelwall's.

Q. Did you ever see Mr. Thelwall write?

A. Yes.

(*It was read.*)

" DEAR JACK,

" I send you three dozen of songs, copies of either of which
" I would have you give to whoever may ask for them that is
" likely to sing them; I believe at this time they may do a
" great deal of good, if well disseminated: I have printed three
" thousand of each; they sell like wildfire.

" I send you also a little pamphlet, containing an extract from
" a speech of mine, for publishing which the bookseller is now
" in Newgate, and is to be tried for sedition; I send you also a
" copy of the indictment; shew them about to your friends,
" they will illustrate one of the songs.

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" You

" You will also receive several copies of Addresses published
 " by the London Corresponding Society; one of them was
 " drawn up by myself, the other is partly the work of Horne
 " Tooke, and partly of the Citizen who has signed it as Chair-
 " man: we had above a thousand people assembled to pass these
 " resolutions; it was a glorious day—a day of triumph to li-
 " berty, to which Britain will hereafter owe a considerable part
 " of her happiness.

" I was Chairman at the dinner, and I assure you I gave
 " them some fine toasts.—Ah, ça ira, ça ira, ça ira!

" Give some copies of the resolutions to Sampson Read
 " Fountain; and, in short, spread them about as much as you
 " can; I have distributed above fifteen hundred with my own
 " hand.

" London is not the only place that is alive, Scotland is full
 " of liberty boys—Sheffield, Norwich, Manchester, and heaps
 " of places the same; in short, I believe the Country will not
 " be humbugged any longer; and that, before half of the next
 " campaign is over, the wise men of Gotham will be obliged
 " to call back their troops from the triumphant Republic of
 " France, and grant us our RIGHTS.

" Adieu, Citizen Jack, I can think of nothing but politics;
 " pray, when you have any advice to give me, do it plump and
 " open, without any apology, it is the duty of friends to speak
 " their minds without restraint; and remember I am the advo-
 " cate of *equality and perfect freedom*.

" Your's,

" I. THELWALL."

" I send you also some resolutions passed at Norwich, and a
 " Scotch newspaper, in which you will find the trial of our
 " Delegate, Margarot; Gerald, our other Delegate, and Sin-
 " clair, Delegate of another patriotic Society, set off last night
 " to be tried, cast, and sentenced to transportation also; but
 " patriots disdain to stoop before oppression, and set tyrants and
 " tyranny at defiance."

Addressed "*Citizen Jack Vellam*."

Mr.

Mr. Attorney General. I shall next read an entry from the Constitutional Society's book, relative to the mode in which the Society at Sheffield keep public fasts.

(The following entry was read from the books of the Society for Constitutional Information.)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 21st March, 1794.

" PRESENT,

" Rev. Mr. Joyce, in the Chair.

" Mr. Tooke, Mr. Thompson, Mr. Hull, Mr. Sharpe, Mr. Kyd, Mr. Wardle, Mr. Ashmore, Mr. Fitzgerald, Mr. Stark, Mr. Beck, Mr. Fawcett, Mr. Chatfield, Mr. Holcroft, Mr. Jennings, Mr. John Williams, Mr. Richter.

" Resolved unanimously, That the Secretary of this Society be directed to write to the Friends of Peace and Reform at Sheffield, and to assure them that this Society views with pleasure their steady exertions to obtain a fair representation of the people of Great Britain in Parliament, and the proper methods which they have taken to employ usefully those days which may be appointed for public fasts."

" Resolved unanimously, That this resolution be published in the newspapers."

" Resolved unanimously, That this motion, when printed, be transmitted to the Society of the Friends of Peace and Reform, at Sheffield."

" Resolved, that the anniversary dinner of this Society be held on Friday, the 2d of May, at the Crown and Anchor Tavern, Strand."

" Resolved, That Citizen Wharton be requested to take the chair on that day."

" Resolved, That Citizens Thompson, Chatfield, Wardle, and W. Sharpe, be requested to accept the office of stewards on that day."

" They being present accepted of the said office."

Mr. Attorney General. I read that entry because I shall presently offer to your Lordship in evidence what was done at Sheffield upon the public fast.

(The following entry was read from the books of the Society for Constitutional Information.)

" At a meeting of the Society for Constitutional Information at the Crown and Anchor Tavern, Friday, March 28th, 1794."

[Vide Hardy's Trial, vol. 2. page 105.]

Mr. Attorney General. I dont find the word Citizen in the book before the 21st of March, 1794. I will now call Mr. Maclean to prove the finding in Mr. Adams's possession a letter from Mr. Hardy, stating the names of those members whom they delegated to the Constitutional Society, according to the last order, to invite them to send to this Society next Friday a delegation of some of their members.

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

(It was read.)

" CITIZEN,

" April 3d, 1794.

" I am directed to send to the Society for Constitutional Information the following resolutions of the Committee of the London Corresponding Society, April 3d, 1794."

" Resolved, That Matthew Moore, John Baxter, John Thelwall, Richard Hodgson, and John Lovett, members of this Society, are appointed to hold a conference with such members of the Society for Constitutional Information as they shall think fit to appoint, at seven o'clock to-morrow evening, the 4th April."

" THOMAS HARDY, Secretary."

Addressed, " D. Adams, Secretary to
" the Society for Constitutional Information."

(The

(The following entry was read from the book of the Society for Constitutional Information.)

" At a meeting of the Society for Constitutional Information,
" at the Crown and Anchor Tavern, Strand, Friday, April 4,
" 1794."

[*Vide Hardy's Trial, vol. 2. page 108.*]

Mr. John Gurnell. I found this paper in Mr. Hardy's possession.

Mr. Attorney General. This is a paper found in the possession of Mr. Hardy, but it seems necessary I should prove it to be his hand-writing; it appears from the book, your Lordship observes, that he was present on the 4th of April, 1794; this paper states what passed upon the 4th of April.

Alexander Grant (sworn.)

Examined by *Mr. Solicitor General.*

Q. Look at that paper—can you tell whose hand-writing it is?

A. I cannot, I never saw this before; I cannot swear to the hand-writing.

Q. Whose hand-writing do you believe it to be?

A. I cannot say—I do not know that I ever saw it.

Q. Do you know Thomas Hardy?

A. Yes, very well.

Q. Did you ever see him write?

A. Frequently.

Q. Now look at the paper, and say whose hand-writing you believe it to be?

A. I cannot say.

Q. Do you believe it to be his hand-writing?

A. I cannot swear that it is his hand-writing; if I saw his name I could tell better.

Lord Chief Justice Eyre. You have seen him write?

X 3

A. Yes.

A. Yes.

Lord Chief Justice Eyre. From the knowledge you have acquired of his manner of writing, do you or not believe that to be his hand-writing?

A. It is so different from what I have seen before of his hand-writing, that I do not believe it is his.

Mr. Attorney General. I wish to apologize to your Lordship for this examination—the witness swore to it before.

Grant. I said then I could not swear to it.

Lord Chief Justice Eyre. The question put to you is—whether, from having seen Hardy write, you have such a knowledge of his manner of writing, as to be able to form a belief that it is his hand-writing or not?

A. I cannot say that it is his hand-writing, for I did not see him write it.

Lord Chief Justice Eyre. You ought to know that is not the question asked you—you are not asked, whether he did in fact write it or no, but whether you believe, from the knowledge you have of his hand-writing, that it is his hand-writing or not?

A. There is a similarity of hand.

Mr. Solicitor General. You have said that you don't believe it to be his—do you abide by that or not?

A. I beg to look at it again—it is certainly like his hand-writing, but I cannot swear to it.

Q. You have told the Jury that you do not believe it to be his hand—I ask you, whether you abide by that answer?

A. I cannot swear that it is his hand-writing; there is a similarity.

Q. You must tell us, whether you abide by what you said—you told the Jury you did not believe it; do you say that again; because, if you do, it is very well; you have a right to judge for yourself.

Mr. Tooke. It will be very difficult for him to abide by his opinion; for he has said both ways; that he did believe it to be similar, and that he did not; but we do not object; I have no objection to Mr. Attorney General's discrediting his own evidence,

dence, but I have no objection to admit this as evidence, and to the papers being put in.

Lord Chief Justice Eyre. I cannot do that; I must see that what is admitted is evidence to which no objection occurs to me.

Grant. I can only say, it is very like the hand-writing of Mr. Hardy; I cannot swear to it.

Mr. Attorney General. I will now read an entry from the book of the Society for Constitutional Information, of the 11th of April, 1794.

(It was read.)

[*Vide Hardy's Trial, vol. 2, page 109.*]

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

Mr. Attorney General. This paper is a rough draft of part of the resolutions of the 11th of April, 1794. I will call Mr. Woodfall to prove whose hand-writing is in it.

Q. (to *Mr. William Woodfall.*) Whose hand-writing do you believe this to be?

A. I am a stranger to the hand-writing of the substance of the paper; but there are interlineations of the word "Society"—in two places, which I believe to be Mr. Horne Tooke's writing.

Q. Is there another interlineation of a few words, which have been struck out again?

A. Yes; but I cannot speak to the hand-writing.

Mr. Tooke. I believe I have written the word "Society" here twice.

Mr. Solicitor General. Mr. Shelton, you will read this paper, and you will take notice, that there is a word with a line drawn round it.

(The rough draft was read.)

Mr. Tooke. Mr. Solicitor General, if you will give me leave, and I believe you will think it very proper, by the evidence you have produced, for me to explain this paper; and I hope I do not do wrong to point it out to you—my memory helps me in this respect; and, with that evidence which you have heard, enables me to say, that this is plainly a very idle business, done to save the Secretary trouble——

Mr. Attorney General. I should be sorry to interrupt——

Lord Chief Justice Eyre. This is observation upon the evidence.

Mr. Tooke. Your Lordship will see it is not observation——

Mr. Attorney General. It gives me great pain to interpose—but that cannot be permitted to come from a Gentleman because he takes an active part in his own cause, which should shut the mouth of his Counsel.

Mr. Gibbs. As to the Gentleman himself taking a part in this cause, it is utterly impossible for any Counsel to possess himself of this cause.

Mr. Attorney General. I am sure I can rely upon the candour of Mr. Gibbs, so far as to do me justice in the situation in which I stand—if he will inform me, that, in his judgment, there is the least degree of impropriety in my interposing, I will not interpose again during the whole of the cause.

Mr. Gibbs. I certainly never will give my judgment upon any impropriety of yours——

Mr. Tooke. If the Attorney General will please to cast his eye upon this paper, he will find I am not making observations, or doing any thing improper—he will see that words, which were evidently taken from this paper, have been read as a part of it, which ought not to have been read as a part of it; and I am going to explain how it happened, that this difficulty arose—I am not going to make exception to any thing that passed, but that, in a paper the Clerk has read, words have been read (not improperly in him) which make no part of the paper—there are two ways of erasing from any writing, that which you don't mean shall make a part of it—one is, by striking your pen through the word you mean to erase—another is, by encircling
it

it with a line; this is encircled, and yet it is read as if it was part of this paper—you might as well read the erasure of a paper that is erased one way, as the erasure of a paper that is erased another way—this is the only thing I was going to remark, to shew you, that this was an erasure, and how it happened.

Lord Chief Justice Eyre. This is not a proper time to do that—but your observation upon reading it, if it appears to you not to have been properly read, is fair and right—because it ought to be properly read—you say there appear to be words struck out, and other words put in over, don't you; and you conceive the words put in over ought not to be read.

Mr. Tooke. No.

Lord Chief Justice Eyre. The paper is to be read as it is; and if there are words that are struck out, and other words put in; or, if there are words put in in parts, without striking out the other words, yet the whole of the paper must be read, and must be seen, and then it will be for the judgment of the Jury, what is the real paper taken altogether, and which cannot be determined properly by any body but the Jury.

Mr. Attorney General. Your Lordship will permit me to put the Court in mind, that Mr. Solicitor General, when he put the paper into the hands of Mr. Shelton, desired him to take notice where there was a word with a line drawn round it.

Lord Chief Justice Eyre. The paper is to be read, and with that word scored all round it—whether that word ought to be taken as part of the contents of the paper, or ought not to be taken as part of the contents of the paper, will be for the judgment of the Jury.

Mr. Attorney General. I only wish now to say, by way of explaining myself, that I desire to have the fact known to your Lordship and the Jury, what words were scored round, without saying, in this stage of the cause, that I have any observation to make upon that fact, but I wished to have that fact ascertained.

Mr. Shelton. I mentioned, as I read the paper, that the words were scored round.

One

One of the Jury. We shall be glad to understand what words are scored round.

(*The paper handed to the Jury.*)

Mr. Tooke. By the very question of the Jury I am perfectly satisfied that what I was going to say would have been useful to Mr. Attorney General, to the Court, and on every side, and it was not meant by way of observation.

Lord Chief Justice Eyre. If it is now to explain the appearance of the paper, that certainly is breaking in upon their case.

Mr. Tooke. I submit to your Lordship, that it is no such thing, and if Mr. Attorney General had not mistaken my object, I should in one minute have saved all this time, which is my chief object. Your Lordship has before you two papers instead of one. I am not making observations or explanations, except for the advantage of the Attorney General and the Court, and I believe I am not breaking in upon any rule of law; I did it merely to save time, for it is no object to me—it is, in fact, two papers—it is a report of the Committee, and a resolution of the Society. By encircling the word *Convention* with a line, that copy serves for two copies. With the word *Convention in*, it is the report of the Committee—With the word *Convention out*, it is the resolution of the Society—that was all I was going to say.

Lord Chief Justice Eyre. There is no sort of objection to your explanation, but that it is explanation by observation upon the evidence, and therefore should have made part of your case; but I agree that your observation is fair, and probably is well-founded.

Mr. Attorney General. This mode of conducting a cause makes it necessary for me to go perhaps a little out of order too. I meant, by calling your Lordship's attention to those words, being scored round, to apprize the Court of the fact. I say no more now, than that I have a great deal to observe upon that very fact.

Lord

Lord Chief Justice Eyre. I have no doubt at all that you have, it is certainly open to observation.

Mr. Solicitor General. I am now going to produce a letter of the 10th of April, 1794, from Hardy, which is mentioned in that minute.

Q. (to Mr. Maclean.) Where did you find that paper?

A. In the possession of Mr. Adams.

Q. (to Alexander Grant.) You say you have seen Mr. Hardy write; look at the signature to this letter, and tell me whether it is his hand-writing?

A. I believe it is.

(*A Letter from Thomas Hardy, to Daniel Adams, dated the 10th of April, 1794, read.*)

[*Vide Hardy's Trial, vol. 2. page 110.*]

Mr. Solicitor General. This is a printed circular letter of the London Corresponding Society, which was found in the possession of Mr. Saint, at Norwich.

Mr. James Walsh. I found this printed letter in the possession of Mr. Saint, at Norwich.

(*Circular Letter, signed Thomas Hardy, read.*)

[*Vide Hardy's Trial, vol. 1. page 404.*]

Mr. Attorney General. Here is a bundle of the same papers; I shall call Mr. Lauzun to prove where he found them.

Mr. Edward Lauzun. I found these papers in Mr. Hardy's house.

Mr. Attorney General. I am now going to read a letter which was found in the custody of the said Mr. Hardy, from Alexander Mitchell, Secretary to the Society at Strathaven, stating that he had received a circular letter respecting a British Convention to be held in England, and that they had appointed a Delegate to attend it.

Mr. Edward Lauzun. I found this paper in Mr. Hardy's house.

(*Letter from Alexander Mitchell, to Thomas Hardy, dated Strathaven, 9th of April, 1794, read.*)

[*Vide Hardy's Trial, vol. 1. page 406.*]

Mr. Attorney General. The Norwich Society, your Lordship recollects, was associated with the Constitutional Society. I shall now prove that they came to a resolution to send Delegates to the British Convention as soon as called for.

Q. (to Mr. Walsb.) Where did you find this book?

A. At Mr. Saint's, at Norwich.

(*The following entry was read from the said book.*)

" Monday, February 24th, 1794.

" At a General Meeting of Delegates, held at Pottle Cellar,

" It was unanimously resolved, That one or more Delegates should be sent to the next general Convention, so soon as called for by our London Correspondents."

Mr. Attorney General. I am now going to read a letter dated April the 24th, 1794, from Bristol, to the London Corresponding Society, relative to this object of calling a General Convention.

Mr. John Gurnell. This paper I found in the possession of Mr. Hardy.

(*Letter from the Bristol Constitutional Society to Thomas Hardy, dated the 24th of April, 1794, read.*)

[*Vide Hardy's Trial, vol. 1, page 409.*]

Mr. Attorney General. The next is a letter from the Society at Newcastle, to Hardy, dated the 24th of April, 1794, which desires

desires an answer to be directed to James Smith, Joiner, to the care of Mr. Hunter, Publican, Butcher Bank. I will call Mr. Gurnell to prove in whose possession he found this letter, and then I will read the answer to it.

Mr. John Gurnell. I found this paper in Mr. Hardy's house.

(*Letter dated Newcastle-upon-Tyne, 24th April, 1794, addressed Mr. Harding, No. 9, or 19, Piccadilly, London.*)

[*Vide Hardy's Trial, vol. 1. page 407.*]

Mr. Attorney General. Here is a paper which has indorsed upon the back of it—"Copy of an answer to Newcastle-upon-Tyne, addressed to John Smith," &c.

Mr. John Gurnell. I found this paper in the possession of Mr. Hardy.

Mr. Attorney General. I read this paper to prove that this is a communication of their intention relative to a Convention; and likewise it is a declaration under the hand of Thomas Hardy, that the Committee of Correspondence and Co-operation, which your Lordship fees had been appointed upon the 11th of April, met twice a week.

(*Answer dated the 1st of May, 1794, to the letter from Newcastle-upon-Tyne, dated April the 24th, 1794, read.*)

[*Vide Hardy's Trial, vol. 1. page 408.*]

Mr. Attorney General. I will now prove a letter from the Secretary of the Sheffield Constitutional Society, which was found in the possession of Mr. Thelwall, whom your Lordship will recollect to be one of the Committee of Correspondence and Co-operation. It states the proceedings of a meeting in the open air at Hallifax, of persons from Leeds, Wakefield, Huddersfield and Bradford, to consider on the measures to be adopted preparatory to a General Convention, and desiring the directions of the London Corresponding Society.

Mr.

Mr. William Tims, (sworn.)

Mr. William Tims. I found this paper on the person of Mr. Thelwall.

(Letter dated Sheffield, May 11th, 1794, signed William Broomhead, Secretary, read.)

[Vide Hardy's Trial, vol. 1. page 413.]

Mr. Attorney General. I am now going to prove an entry in the account book Mr. Adams spoke of upon the 14th of March, 1794.—“Cash paid Thelwall, by order, six guineas.” Your Lordship recollects, that I have proved the address of the 20th of January; I am going to explain that evidence by a short letter of Mr. Thelwall's, found in the custody of Mr. Adams, the substance of which letter is, that he sends for a list of the members of the Society for Constitutional Information, at the request of Citizen Tooke, and at the request of the same he desires six guineas, which is the sum mentioned in this book to be paid to him for printing the last 2500 Addresses.

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

(The following extract was read from a book containing the general receipts and disbursements of the Society for Constitutional Information.)

“Friday, 14th March, 1794, cash paid Thelwall, by order,
“six guineas.”

(The letter was read.)

“CITIZEN,

“Be kind enough to let my boy have a list of the Society
“for Constitutional Information (at the request of Citizen
“Tooke)

" Tooke) when I send him to-morrow; also, by the request
" of same, six guineas for printing the last 2500 Addressees, &c.

" Yours,

" I. THELWALL."

Addressed "*Mr. D. Adams.*"

Mr. Attorney General. I have read, out of the Constitutional Society's book, a resolution of the 21st of March, 1794, which is in these words—" Resolved unanimously, That the Secretary
" of this Society be directed to write to the Friends of Peace
" and Reform at Sheffield, and to assure them that this Society
" views with pleasure their steady exertions to obtain a fair
" representation of the people in parliament, and the proper
" methods which they have taken to employ usefully those
" days which may be appointed for public fasts." I will
now call a witness to prove his finding, in the possession of Mr.
Hardy, an account of the proceedings upon the Fast-day at
Sheffield, together with a resolution of the Corresponding Society, and a resolution of the Constitutional Society, printed together.

Mr. Edward Lauzun. This is one of the books I found in Mr. Hardy's house.

(*It was read.*)

[*Vide Hardy's Trial, vol. 2. page 219.*]

William Broomhead, (sworn.)

Examined by *Mr. Law.*

Q. Were you a member of the Constitutional Society at Sheffield?

A. Yes.

Q. Were you Secretary to that Society?

A. Yes, for about five months.

Q. You were Secretary up to the month of May last, I believe?

A. Yes,

A. Yes, when I was taken up.

Q. Did you know a person of the name of Yorke, otherwise called Redhead?

A. Yes.

Q. Did he attend the meetings of that Society?

A. Frequently he did attend.

Q. Was Yorke a settled inhabitant of Sheffield, or only an occasional comer there?

A. Only occasional.

Q. Do you remember a meeting held on the Castle Hill at Sheffield?

A. Yes.

Q. When was that?

A. I was at that meeting.

Q. I believe it was on the 7th of April?

A. Yes, I was at that meeting.

Q. Do you remember having any conversation with Yorke, prior to that meeting, in which the business of that meeting was arranged between you, Yorke, and any other person?

A. I do recollect a meeting of that sort, but I do not recollect all the particulars that might be discoursed upon.

Q. Was Gale present at that meeting?

A. Yes.

Q. Were there any body but Gale, Yorke, and you at that meeting?

A. I think there might be several more, but I do not recollect particularly their names.

Q. You are an associated member, I believe, of the Constitutional Society in London; are you not?

A. I suppose I was sometime back.

Q. What was settled to be done at the meeting on the Castle Hill, which was to be held upon the 7th of April?

A. The resolutions were drawn up, and it was agreed that an address, or the substance of what was to be delivered there, should be wrote by Mr. Yorke.

Q. Was any address to Parliament agreed to be proposed?

A. No, to the King.

Q. Wi

Q. Was there any agreement respecting the proposing any address to Parliament?

A. That motion was made, but it was negatived.

Q. Was there no arrangement between you, Yorke, and Gale respecting the negating that motion, prior to the time of its being made?

A. It was so settled, but I had no voice in it.

Q. Between whom was it settled that there should be a proposition at this meeting made for addressing Parliament; and that that proposition should be negatived when made?

A. There were Yorke and Gale, but I suppose that was settled, as it was determined to petition the King.

Q. You say it was settled between Yorke and Gale, that such a proposition should be made, and should be negatived?

A. Yes.

Q. Who was to make that motion?

A. They ordered me to make the motion for addressing Parliament.

Q. Did you afterwards at the meeting held on the 7th of April, in consequence of this agreement, make that motion?

A. I did.

Q. Do you recollect what were the terms of the motion that you made?

A. That a petition should be drawn up to the House of Commons, praying for a Reform in the Representation of the People.

Q. Upon your making that motion, what passed amongst the people assembled?

A. It was opposed.

Q. Did any body second it?

A. No, I think it was not seconded, to the best of my recollection it was not.

Q. In what manner was that motion received by the persons assembled, with applause, or disapprobation, or how?

A. The people in such meetings generally wait for the countenance of the leaders of the meeting very frequently.

Q. I ask you what passed; how was your motion received?

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A. I

A. I do not recollect that there was either approbation or disapprobation shewn by the people themselves, but it was opposed, I suppose, previous, or rather before they might shew either their approbation or disapprobation.

Q. And not being seconded it fell to the ground?

A. Yes.

Q. And that had been previously settled between Gale and Yorke?

A. Yes.

Q. Do you remember the speech that was made upon that occasion by Yorke?

A. I remember he did make a speech, but I cannot recollect the substance of it.

Q. Was that speech published?

A. It was.

Q. (to Mr. Maclean.) Where did you find this paper?

A. I found it in the possession of Mr. Adams.

Mr. Law. (to William Broomhead,) Did you send any number of these printed pamphlets to Mr. Adams?

A. Yes, in a box.

Q. By whose orders?

A. The persons that conferred about the meeting.

Q. By Yorke and Gale?

A. Yes, and others; I sent them to Mr. Hardy.

Q. To Adams—was it not?

A. I might send to both.

(*Extracts read from a printed pamphlet, entitled, Proceedings of the Public Meeting held at Sheffield, in the open air, on the 7th of April, 1794.*)

[*Vide Hardy's Trial, vol. 2. page 188.*]

William

*William Broomhead,*Cross-examined by *Mr. Gibbs.*

Q. You were one of this Society at Sheffield?

A. Yes.

Q. Had your Society any views of overturning the Government by force?

A. No; not that I know of.

Q. Had any of those, whom you were acquainted with, any idea of overturning the Government by force?

A. None, that I know of.

Q. Had they any idea, or intention, of attacking the person or character of the King, in this Constitution?

A. No; they had not.

Q. How were they affected to the King?

A. As well as any people in England.

Q. Had they any intention of overturning the House of Lords, or of breaking in upon their authority in the State?

A. No; not to my knowledge.

Q. Had any, whom you knew, of the Society, any such intentions?

A. No; not to my knowledge.

Q. None that you knew, of course, had?

A. No.

Q. What was the object of the Society?

A. A Reform in the democratical part of the British Constitution.

Q. What do you mean by the democratical part?

A. The representative part in the House of Commons.

Q. Your only object, then, was a Reform in that House of Parliament?

A. It is all that I know of.

Q. You know of no other views in any of the Societies?

A. I know of no other views in any of the Societies.

Q. Was it the intent, of any you knew in this Society, to obtain even that end by force?

A. None that I know of.

*William Broomhead,*Re-examined by *Mr. Law.*

Q. When it was agreed that they should not petition Parliament, but your motion, for that purpose, was to be negatived, did you apprehend then that this Reform was to be obtained by the medium of Parliament?

A. That was settled amongst a very few persons, as I spoke of before.

Q. Do you apprehend that to have been the object of the persons by whom it was settled, namely, Yorke, Gale, and yourself, to obtain it through the medium of Parliament?

A. If any persons had those evil views, it was unknown to me; and I am certain to the major part of the Society; if there were any individuals, either Yorke, Gale, or any other, it was unknown to us; but deference was paid to them in the ordering and conducting the affairs of the Society.

Q. What was your reason for being a party in this sham motion?

A. There are many men, besides me, that are not expert in Law and Government, and yet may agree with the honest views of their friends, or those they look upon as their friends, considering them as superior in understanding to themselves; I was Secretary, and therefore it became my office more than my choice.

Q. To make sham motions—answer my question, why you was a party to that sham motion?

A. I was a passive person, as being Secretary, and receiving a small allowance on that account; I was passive in that particular, and was frequently told that I had no right to give my sentiments.

Q. Do you know where Gale is gone?

A. I do not.

Q. You have not seen or heard any thing of him lately?

A. I have not.

Mr. Justice Lawrence. What were you frequently told?

A. I have been opposed giving my opinion and sentiment also, as being Secretary; I have been told there that I had no right.

George

George Widdifson, (sworn)

Examined by *Mr. Law.*

Q. Were you a member of the Constitutional Society at Sheffield?

A. Yes.

Q. When did you become a member of that Society?

A. It is better than two years ago.

Q. Of what particular Division were you a member of in that Society?

A. We were not in Divisions at that time.

Q. Afterwards, of what Division were you a member?

A. I think it was Number One.

Q. Were you a Delegate of that Division?

A. Part of the time.

Q. When were you elected a Delegate?

A. At the time that those Divisions were first formed, I believe.

Q. Do you recollect when that was?

A. I do not; I believe the books will explain it.

Q. Was it in 1792, or 1793?

A. I really do not know.

Q. Of what number might your Society, in the whole, consist, to the best of your knowledge, at its largest number?

A. About six hundred regular members, I believe.

Q. How often were the meetings of your Society held?

A. Once a fortnight.

Q. On any particular day in the week?

A. There was a particular day adapted to each Division; ours was, I think, on the Tuesday or Wednesday.

Q. How often were the general meetings of the Society held?

A. They were not exactly the same; sometimes they were regular, sometimes not; they were about once a month, or once in six weeks.

Q. When did you first see Yorke at Sheffield?

A. Perhaps that might be near upon two years ago.

Q. Do you mean from the present time?

A. Yes; I think it is, or better than that.

Q. Then it was somewhere towards the latter end of the year 1792?

A. Yes; I think sometime in that year.

Q. Did you see him at any meeting of the Society?

A. Yes; I have seen him at several.

Q. When did you first see him?

A. The first time I saw him, I think, was at a friend's house.

Q. Do you recollect when you first saw him in the chair at any of those meetings?

A. The first time I saw him in the chair was, I believe, at a meeting in Queen-street; the only thing I can recollect it by was, that it was some few months after the execution of the King of France.

Q. That would then be, perhaps, the beginning of the year 1793?

A. Perhaps it was.

Q. Was Yorke generally in the chair?

A. He was, when he was at the meeting, generally in the chair.

Q. How long after you first saw him in the chair, did he continue at Sheffield?

A. I do not recollect that he stopped long after that—perhaps a few weeks.

Q. Had you occasion to see him often?

A. Not very often at that time.

Q. Do you remember a meeting of the Society, held in the back fields, when any Delegates were elected?

A. Yes.

Q. Who were elected Delegates?

A. Mr. Brown was elected a Delegate.

Q. Where was he delegated to?

A. To the Convention at Edinburgh.

Q. Who was Brown?

A. When he first came to Sheffield he acted in the capacity of a player, and afterwards he took up that of an attorney.

Q. He

Q. He was delegated by your Society to Edinburgh, to the Convention?

A. Yes.

Q. Did he go?

A. Yes.

Q. Was he supported there, do you know; or were his family supported by your Society?

A. I believe both were.

Q. Do you remember Yorke lodging at the house of one Cawthorne?

A. Yes; very well.

Q. When was that?

A. The latter end of last March, I think.

Q. I believe you attended him when he was there?

A. Yes.

Q. In what capacity?

A. As his hair-dresser.

Q. Do you remember, about that time, having any conversation with Yorke respecting arms?

A. Not any there, to my knowledge.

Q. Where had you, and when was the first time?

A. At a Mr. Beal's, a grocer's, somewhere about Hollis's Croft.

Q. Did Yorke lodge at Beal's?

A. Yes.

Q. He shifted from Cawthorne's to Beal's?

A. He left Cawthorne's, and went, as I understood, upon some business to Manchester; when he came back, he went to Beal's.

Q. What did he say about arms—do you recollect pikes ever being mentioned?

A. Yes; we have frequently spoke about pikes.

Q. What particular conversation had you about them?

A. He seemed to agree upon the necessity of their being made.

Q. Did he give you any directions respecting the making any part of them?

A. Not direct.

Q. In what manner did he indirectly, if he did not directly, give you any?

A. He gave me to understand that Mr. Gale would take a dozen for his own defence, if I was to make any; whether he had the order from Gale, or heard any body else say that, I cannot say.

Q. He told you Gale would take a dozen?

A. Yes.

Q. Did you make any for Gale?

A. Yes.

Q. What part of the instrument did you make?

A. The handle.

Q. How many did you make?

A. About a dozen, or a dozen and a half.

Q. What time was it you made these?

A. I cannot recollect the particular time; I think in the beginning of April.

Q. Did you shew any of these pikes to Yorke?

A. I took one with me, when I went to dress him one morning, to ask his opinion of the form of it, and the length, whether it would do; he said, he should think it would do, or it would do.

Q. Have you any other employment than that of a hair-dresser?

A. Yes; a turner.

Q. Then you understood the manner of making the thing you was directed to make?

A. Yes.

Q. Did he give you any direction, as to the length of these pike-handles?

A. I cannot recollect that he did.

Q. What was the size of the pike-handle you carried with you to him?

A. About seven feet long.

Q. Was that the form and size which he approved?

A. Yes.

Q. Did

Q. Did you ever put on a pike-head to it in his presence?

A. No.

Q. Have you fitted any to them yourself?

A. I was to have done, if I had gone forward with the business.

Q. Had you any conversation, from time to time, with Yorke, how you went on with them?

A. He asked me, some few times, how I went on; if I had made any of those handles, he asked me some few times.

Q. Did he tell you where any pike-heads were left for them?

A. I do not recollect that he did.

Q. Where did you get the pike-heads, if you got any?

A. They were to come from one Davisons's.

Q. Did you know whether any hoops were used about these pikes?

A. There were hoops put on at the end where the pike was put in at.

Q. Who provided those hoops for the shafts you had made?

A. I provided those hoops myself.

Q. Who gave you any direction, respecting those hoops, where you were to get the materials of which they were made; were they iron?

A. I got them of the person that used to fit me with other iron-hoops that I had.

Q. Did you get them upon your own credit?

A. Yes.

Q. You did nothing further to them than make the shaft, and put on this hoop?

A. No.

Q. I believe you afterwards withdrew yourself from this Society?

A. Yes.

Q. Did you assign to Yorke your reasons for withdrawing yourself?

A. I did.

Q. What conversation passed between you and Yorke, respecting your withdrawing yourself from this Society?

A. I told

A. I told him, one morning when I went to dress him, that I thought we were going too far, with respect to our proceedings; he asked me in what; I told him in respect of Universal Suffrage.

Q. Did you, on account of your dislike of their proceedings, withdraw yourself from being any longer a member of that Society?

A. Yes, not so much from any dislike, as I was convinced in my own mind that it would carry us too far, by drawing in a greater number of people to give their voices for Members of Parliament before they were acquainted with the nature of the business.

Q. When did you withdraw yourself?

A. Sometime in April last.

Q. Had you any conversation with Davison about the pikes?

A. Yes, several times.

Q. What did Davison tell you respecting them?

A. I never understood any thing further from Davison than that they were made to defend ourselves with at Sheffield.

Q. Did you understand what number had been made?

A. I did not; I rather think I was almost the first that made any handles.

Q. Did Davison, or any body else, shew you any of the pikes that were to be put upon those shafts that had been prepared by any body?

A. I have seen pikes; there were two or three in my place.

Q. Describe the size of them?

A. About eight inches in length, perhaps one inch and a quarter in the broadest part.

Q. But your's had not been fitted on?

A. No.

George Widdison,

Cross-examined by *Mr. Gibbs.*

Q. Were you, in those proceedings at Sheffield, an enemy to the King or to his authority?

A. No, God forbid that I should.

Q. Do

Q. Do you know of any that were concerned in this Society who had any intent to attack the power or the person of the King?

A. Not to my knowledge there was not.

Q. Would you have continued in the Society if you had had any apprehension that such were the intentions of it?

A. I would not.

Q. You talked of Universal Suffrage—what was the plan upon which your Society generally went—whose plan was it?

A. It first originated with what was drawn up by the Duke of Richmond,

Q. This letter has been shewn you before, from the Duke of Richmond to Colonel Sharman.—Was that the letter frequently read in the Society, and upon which the Society in general acted?

A. It is; that is the letter, and I believe that was the general idea that we at that time all adhered to, because we thought there would be no other plan so effectual, to make the House of Commons what it was originally intended it should be by the Constitution.

Q. Your object was, that the House should be what it was originally intended it should be by the Constitution?

A. Yes.

Q. Had you any idea of producing this reform by force?

A. I had not; nor I did not understand that any such plan was in agitation.

Q. You say you afterwards withdrew yourself from the Society?

A. Yes.

Q. I think you said the only ground for withdrawing yourself was, that you altered your opinion as to the expediency of Universal Suffrage?

A. I did.

Q. And was that the only ground of your withdrawing yourself?

A. Yes, the principal one.

Q. You have been asked about these pikes—you say some one told you that a man of the name of Gale would take
a dozen

a dozen of the pike-shafts from you if you would make them : — Were these pikes to be made for any other purpose than for defending yourselves from any attacks, which you had reason to think the other party would make upon you, at Sheffield ?

A. I believe they were never intended for any other purpose ; I remember, in particular, that Gale's house had been attacked once, or more, by a great number of people, when some particular news was come to town ; they swore vengeance against him, on account of his paper, and several of his friends were then obliged to defend his house—several were solicited to come on that account.

Q. And it was on that account you think that these pikes were provided to defend him and his friends from similar attacks ?

A. I understood it in that light ; and I believe, from what-ever I knew of Gale, that he was too honest a man to have any other intention himself,

Q. But you know that this attack was made upon him ?

A. I cannot say I was an eye-witness to it, but I had it from responsible witnesses that did know it and saw it.

Q. It was publicly known in the town that such a thing did pass ?

A. Yes, and there were butchers and other people threatened my house and more.

Q. Whether you have not heard people of the opposite party at Sheffield declare, in terms, that if there should be an invasion they would first fall upon you ?

A. Yes, I have.

Q. Do you, in your conscience, believe, that the only cause for talking of and preparing those few pikes, was because an attack was really apprehended from the other party upon Gale, and those who were of his opinions ?

A. I believe that was the only ground that ever they were made at all, as far as ever I could learn.

Q. Do you recollect any instance when the house in which you live yourself was attacked and threatened ?

A. I cannot say I do.

Q. Had

Q. Had you any idea either of your own, or do you conceive from any thing you have heard from any of the people who belonged to this Society, that these pikes were to be employed for any purpose against the power of the Government?

A. No, I never understood it in that light; because the rabble that was among us the Government had little concern in; I believe Bamford, Thomas Penn, and another fellow were the principal cause of it all.

Q. Pray who is that third person that you speak of?

A. I believe the man at Dronfield—a parson.

Q. Why do you think him the cause of it?

A. From the inflammatory letters that he published in the Sheffield paper, called the Courant.

Q. What was the purpose of these letters?

A. Recommending to the party called by the name of Aristocrats to take up arms and exterminate us.—There is a book of mine, I believe, now in the Privy Council, which points to this particular paper, where this inflammatory letter appeared.

Q. A book that was seized in your house, that contains an account of these very papers that you speak of?

A. Yes, the principal ones of them.

George Widdison,

Re-examined by *Mr. Law.*

Q. You said, I think, there were some persons who threatened you that in case there was an invasion they would first fall upon you?

A. Yes.

Q. Will you name those persons who did threaten you that in case there was an invasion they would fall upon you—Name any of them.

A. I can only recollect one, because we had so many of these wranglings and disputes about politics and the kind that I cannot charge my memory to swear to any one person but one, and that one is a person who is now in the association at Sheffield.

Q. What is his name?

5

A. William

A. William Frith.

Q. Was any body by when he threatened you in this way?

A. I cannot say; this was at his own house.

Q. When was it?

A. Some time before the armed association began.

Q. How long ago was it?

A. Above a twelvemonth ago, I rather think, or pretty near.

Q. No pikes were prepared, I think, till about March last?

A. No.

Q. So that threat did not very much frighten you?

A. I cannot say it did at that time, but I have been frequently told by other people that the same threat was made use of; but I cannot charge my memory with any person making use of that threat but him, though I have had that threat, and similar ones, made use of in different companies I have been in.

Q. Do you remember any person that threw out those threats in the different companies you have been in?

A. I cannot say I can particularly.

Q. I ask you to recollect the name of any person that threw out those threats in the different companies you have been in?

A. As I never expected these matters would be called into a Court of Justice—I never paid that particular attention to the people who made use of them; it was from the general tenor of the conversation that passed that I speak of these things.

Q. Did you or Gale, or any persons who might be the object of these threats, ever apply to any magistrate for protection?

A. No, I cannot say that I did, because it was seldom that they could have that justice done to them which they expected.

Q. Does not Mr. Wilkinson, a magistrate, reside very near the town of Sheffield?

A. Yes.

Q. When you had lately a riot, did not he come into town at the head of some dragoons and restore peace there?

A. There was no disturbance.

Q. Was

Q. Was not a house began to be pulled down, and set fire to; and was there not a person executed for that crime?

A. Yes, that was after the riot began; there was no riot till Mr. Wilkinfon brought the soldiers in.

Q. So Mr. Wilkinfon and the soldiers made the riot?

A. It began on that very day.

Q. Then they set fire to that house?—

Mr. Gibbs. He has not said Mr. Wilkinfon set fire to this house; he is your own witness, and he is not to be examined in this way.—I humbly beg your Lordship's protection of the witness, or, I should rather say, protection of the gentleman at the bar; Mr. Law is putting in the mouth of the witness that Mr. Wilkinfon and the dragoons made that riot, and set fire to the house; that, I humbly conceive, is not the way in which a Counsel, examining a witness, ought to put words into his mouth.

Mr. Law. I am not putting into the mouth of this witness, nor will I suggest to this witness, or any other, to say that which is not the truth; but I asked this witness (who takes upon himself to state that there was no riot in the town till Mr. Wilkinfon and the dragoons came) whether they occasioned the riot. I have asked to a fact which is notorious to the witness, and perfectly so to myself, having been concerned in the prosecution, whether a house was not set on fire, and a man executed for it.—I ask him whether he meant to impute to Mr. Wilkinfon and the dragoons any participation in that mischief?

Lord Chief Justice Eyre. The objection was, that instead of asking whether Mr. Wilkinfon and the dragoons set the house on fire, you stated to the witness—"Then they set fire to that house;" that is not a way of asking a question.

Mr. Gibbs. My friend stated it as if the witness had so said.

Mr. Law. I asked him if he did say so.

Lord Chief Justice Eyre. Indeed you did not put it as a question.

Mr. Law. You have said there was no riot till Mr. Wilkin-

son and the dragoons came—Do you mean to say that the riot was occasioned by them?

A. I believe they principally occasioned it; there was none before they came.

Lord Chief Justice Eyre. Do you mean that that provoked the people in the town to make the riot, or, that Mr. Wilkinson and the dragoons made the riot themselves?

A. The taking-in the commons was the principal cause of it; the people rose, and opposed the magistrates in doing it; they brought in troops for the purpose of protecting them in doing it; that enraged the minds of the lower people in Sheffield, and they were dissatisfied with Mr. Wilkinson for bringing the troops in.

Mr. Law. You said you could not have that justice done to you which you expected—Did you ever apply for justice, or for protection, to any magistrate resident in or near Sheffield, and were refused?

A. There have been applications; I myself have applied for it, and been refused: I applied to Mr. Wilkinson for it; and when the cause came to be heard, Mr. Wilkinson was not upon the bench, and Mr. Athorpe decided it.—I was in a public-house, we happened to have a dispute upon politics as usual, and we got from one thing to another till we had a quarrel, or misunderstanding, between us; at last the greatest part of them set upon me; they tumbled me down stairs, shook the money out of my pocket, and spent it: Mr. Athorpe connived at the business, when they tendered the money before him upon the bench, and threatened to send me to the pillory if I came to him any more to complain of such a business.

Q. You said you had merely proceeded on the Duke of Richmond's plan?

A. Yes.

Mr. Gibbs. Did you say they tendered the money before the Justice?

A. Yes.

Mr. Law. Whether the works of Paine were not read in your Society?

A. Yes,

A. Yes, some part of them have been read there.

Q. You did not proceed upon his plan?

A. No; we approved of a great part of his works, because it was wrote upon the principles of liberty and freedom, and so on, but there were great parts of it which none of us understood, nor I do not think he himself did.

Q. Did you proceed upon his plan or the Duke of Richmond's?

A. We went upon the Duke of Richmond's plan from the first beginning, and we strictly adhered to that.

Q. And did not deviate into Paine's plan?

A. No.

Mr. Gibbs. You approved the Duke's plan, and likewise of so much of Paine's works as fell in with that plan?

A. Yes.

Q. You said, at the time that you attended the Justices, the people that got this money offered it you again?

A. Yes; they paid it down before the Justices, and he returned it to me himself.

Mr. Solicitor General. This witness has mentioned the conversation with Davison upon the subject of arms, I will now prove a letter from Davison, upon the same subject, found in the possession of Hardy.

Q. (to Mr. Gurnell.) Where did you find this paper?

A. I found it in the possession of Mr. Hardy.

(Letter dated Sheffield, April the 24th, 1794, signed Richard Davison, addressed Citizen Hardy, read.)

[Vide Hardy's Trial, vol. 2. page 144.]

Mr. Solicitor General. There was another letter to the Norwich Patriotic Society, from the same person, enclosed in that letter, which was also found at Hardy's.

Q. (to Mr. Gurnell.) Where did you find this paper?

A. This I found also in Mr. Hardy's possession.

(Letter, signed Richard Davison, addressed to the Secretary of the Norwich Patriotic Society, read.)

[Vide Hardy's Trial, vol. 2, page 145.]

Lord Chief Justice Eyre. (to Widdifson.) What business did Davison follow?

A. A Printer.

Mr. Solicitor General. Your Lordship will recollect, that in the proceeding of the 28th of March, 1794, a letter from the Secretary of the Corresponding Society, to the Society for Constitutional Information, dated the 27th of March was read, in which there was this postscript:—"I have to inform you that a general meeting of the Society, will be holden on Monday the 14th of April, the place to be announced by public advertisement." Your Lordship will also recollect that Mr. Martin was a member of this Society, proposed by Mr. Tooke, and that the letter of thanks, written by him upon that occasion, was corrected by Mr. Tooke. I am now going to produce to your Lordship, the paper which was prepared by that Mr. Martin, of resolutions to be entered into on the 14th of April—they are not the same as were actually entered into, but they were prepared by him for the purpose of being entered into upon that day.

Mr. Gibbs. It has been determined, I believe, that in order to shew a general plot, any thing found in the possession of any man living may be given in evidence—there is no doubt that in this way it is evidence.—The ground upon which the Court has decided, I apprehend, that this is evidence, and upon which certainly it is admissible; according to the decision they have come to is, that Martin was a member, and every thing, therefore, that he has ever done; since he was a member, is evidence against Mr. Tooke.

Lord Chief Justice Eyre. To state it correctly, every thing that he has done (he being a member) that has relation to this general

general subject is evidence respecting that general subject—it is a different proposition to say any thing done by him is evidence.

Mr. Gibbs. Any thing is admissible evidence they can shape to this case, not only the acts of the members of this Society, but of any man in the world——

Lord Chief Justice Eyre. The acts of any man that is proved to have taken a part in the general transaction are evidence.

Mr. Gibbs. Whether it affects Mr. Tooke or no.

Lord Chief Justice Eyre. Whether it affects Mr. Tooke or no.

Mr. Gibbs. What I wish, is to shut out occasional observations in the course of the evidence.

Mr. Tooke. I beg to say, that I believe my learned Counsel was by the altercation beat out of the remark he at first made, and the thing he objected to—Mr. Solicitor General prefaced an account of the paper which he was going to have read, with Mr. Martin's being a member of the Society for Constitutional Information, and that he had been nominated by me, without mentioning the time when he was nominated by me as a member of the Constitutional Society—he prefaced the introduction of this letter, which is of a very late date, with the circumstance of Mr. Martin's being a member of the Society for Constitutional Information, and that he was nominated by me—I understand the putting them close together without remarking the dates, to have been Mr. Gibbs's original objection.

Lord Chief Justice Eyre. That was not the original objection, but is a very proper improvement of it, and it is very fair.

Mr. Gibbs. My objection was the introducing it with any introduction.

Mr. Solicitor General. With submission to your Lordship, I did no more than state the manner in which Mr. Martin was connected with this transaction, to shew that that was an act to be given in evidence.

Mr. Charles Schaw, (sworn.)

Mr. Law. Where did you find this paper?

A. At Mr. Thelwall's.

Evan Evans, (sworn.)

Mr. Law. Do you know whose hand-writing this is? (*Shewing the witness the paper.*)

A. Mr. John Martin's.

Q. Did you hear him read that paper prior to the 14th of April, 1794?

A. I heard him read it to Mr. Pearce, in the King's Bench.

Q. What did he say respecting the paper, at the time he read it?

A. I cannot recollect what he said concerning it; I have heard him read something concerning taking arms against the King.

Mr. Gibbs. Never mind what you heard him read—what did he say?

A. He desired Mr. Pearce to take the resolutions to Chalk Farm; it was intended to meet at a house in Tottenham-court-road, at one time, and the place was thought to be too small, he desired him to take the resolutions to Chalk Farm, and to return as soon as the meeting was over.

Q. Did he read these over?

A. He did read them over to Pearce, and another man, in the room.

Q. Did he express any approbation of them?

A. Mr. Pearce came back after the meeting, and said that the resolutions were agreed to.

Q. Did he make any observations upon their tendency?

A. Yes, he said he wrote the resolutions for Chalk Farm; and he had put plenty of Cayenne pepper into them; and that if they followed his (Martin's) advice, there would be warm work.

Evan Evans,

Cross-examined by *Mr. Tooke.*

Q. Do you know Mr. Gay?

A. I do perfectly well.

Q. Do you know where Mr. Gay lives, or did live?

A. I

A. I cannot rightly recollect, he lives somewhere towards St. James's.

Q. Have you not said you knew he lived in Duke-street?

A. I do not know that I have said so; I believe he lived somewhere thereabouts.

Q. Have you not said so in this Court?

A. I said I believed so.

Q. Why did you believe so?

A. Because I have often heard he lived towards St. James's.

Q. What is he?

A. A Perfumer or Hair-dresser, he is often with Martin.

Mr. Tooke. I beg pardon for asking a question that appears to be so impertinent, but from good authority I am informed, that the Attorney General, when I was not present, pledged himself that this was the Mr. Gay whom I had nominated to be a member of the Society for Constitutional Information—perhaps, your Lordship may recollect it—it stamped a prejudice upon me—at least it was so inserted in all the public papers—and I do not find that that circumstance is now brought forward.—It is not unpleasant in a serious cause now and then, when fairly and properly introduced, to hear a very strange tale if it is a short one.—There is a Nicholas Gay, Esq. a gentleman pretty much known to many persons in this Court, whose custom has been to travel over all parts of Europe; this gentleman was nominated by me to be a member of the Society for Constitutional Information; and, I believe, that this is one instance of the strong delusion put upon those very honourable gentlemen the Attorney and Solicitor General, and for their sake chiefly I mention it.—This Mr. Nicholas Gay did dine once, about a year ago, at the Society for Constitutional Information, and he was talking of travelling to Russia, where, I believe, he is at present——

Mr. Law. I am sorry to interrupt Mr. Tooke—but has this any reference to the examination?

Lord Chief Justice Eyre. To be sure at this moment it has no reference to the present examination; therefore, if you insist upon it, I must desire Mr. Tooke to refrain, till the time comes

when Mr. Gay's name is properly introduced, on the part of the prosecution, or till it is introduced (if it can be introduced) on the part of the prisoner.

Mr. Gibbs. It has already been introduced on the part of the prosecution, for they have given something in evidence about a Mr. Gay, that was mentioned in a letter by one of the members.

Mr. Law, I have no objection to Mr. Tooke pushing his examination respecting Mr. Gay as far as he can. I am objecting to his making observations.

Mr. Tooke. I thought to save time—Mr. Evans, do you know that there does exist a man named Nicholas Gay?

A. This Gay that I mean, his name is Richard Gay.

Q. You do not know a Nicholas Gay?

A. No.

Q. Did you ever hear that there was such a man?

A. No.

Q. Do you know that this Mr. Richard Gay spends his time in travelling abroad?

A. I never knew him till I came into the King's Bench.

Q. Did you ever hear that he had been, or intended to go, to Russia?

A. No—I did not.

Q. Did you ever hear that he had dined with the Society for Constitutional Information?

A. I cannot be sure of that.

Q. Perhaps Mr. Evans you have heard of that Mr. Nicholas Gay?

A. I never heard the name mentioned.

Q. This Mr. Richard Gay then?

A. I have seen him several times.

Q. You may have heard from him, or somebody that knew him, that he was supposed to be a member of the Constitutional Society—

A. He was a member of the same Society as Mr. Martin; he was a messenger to the Society as I understood, or something of that sort.

Q. Did

Q. Did you ever hear him, or Mr. Martin, talking of his dining once at the Society for Constitutional Information?

A. I never did.

Q. Did you ever hear yourself, or from any person that heard this gentleman talk of travelling, that a strange accident happened to him?

A. No.

Q. That upon his talking of travelling somewhere, a spy, or informer, who was present, not hearing the whole of the conversation, leant forward and enquired where that gentleman was going; to which some person who knew the character of the enquirer answered, upon my word he is going much further than I dare to say.—You have not heard of that?

A. I have not.

Mr. William Walker (sworn)

Examined by Mr. Solicitor General.

Q. Do you know Mr. John Martin's hand-writing?

A. Yes.

Q. Did you ever see him write?

A. I have.

Q. Look at this paper? (*the paper produced by Mr. Schaw.*)

A. I believe that to be his hand-writing.

(*It was read.*)

(*At a General Meeting of the London Corresponding Society, held at*
on Monday the 14th of April, 1794.)

[*Vide Hardy's Trial, vol. 3, page 171.*]

Mr. Solicitor General (to Mr. Lauzun.) Where did you find this paper?

A. In Mr. Hardy's house.

"The proceedings at a general meeting of the London Corresponding Society, held on the Green, at Chalk Farm, on Monday the 14th of April, 1794, read."

[*Vide Hardy's Trial, vol. 2, page 378.*]

Mr. Solicitor General. We will now read some resolutions of the Society for Constitutional Information, on the 9th of May, 1794, with respect to printing a pamphlet containing certain proceedings of the London Corresponding Society.

(The following entry was read from the book of the Society for Constitutional Information.)

“ At a Meeting of the Society for Constitutional Information,
“ held at the Crown and Anchor Tavern, Strand, Friday,
“ May 9, 1794.”

[Vide Hardy's Trial, vol. 2, page 111.]

Mr. Solicitor General. We will now produce a pamphlet found in the possession of Mr. Adams, the last proceeding of the second of May, the general proceedings of the two Societies.

Q. *(to Mr. Maclean.)* Where did you find this pamphlet?

A. This pamphlet I found in the possession of Mr. Adams.

Mr. Solicitor General. This pamphlet contains the proceedings of the Corresponding Society of the 27th of March, and of the Society for Constitutional Information of the 28th of March, 1794. There is an address to Muir, Palmer, Skirving and Margat, contained in the proceedings of the 28th of March,

(The pamphlet was read.)

[Vide Hardy's Trial, vol. 2, pages 105 to 108, and from 112 to 121, all inclusive.]

Mr. William Sharpe (sworn)

Examined by *Mr. Law.*

Q. You were a member of the Constitutional Society I believe?

A. Yes.

Q. Do you know at what time you were elected?

A. I believe about two years and a half ago.

Q. By whom were you proposed?

A. I cannot recollect.

Q. Have the goodness to try to recollect?

A. I was told from the books that Mr. Horne Tooke proposed me; but I never knew it personally.

Mr. Tooke. It was so.

Mr. Law. Did you continue to attend after the time of your first election down to May, 1794?

A. At different times.

Q. Do you recollect being present on the 28th of March, 1794, when a letter was received by the Constitutional Society, from the Corresponding Society, respecting the necessity of forming a Convention of the people?

A. Not having made memorandums of dates, I find a difficulty in recollecting; I remember something to that purpose.

Q. You were present when a letter of that sort came from the Corresponding Society?

A. Yes.

Q. Did your Society concur with them in the proposed resolution?

A. I believe they did.

Q. Were you present afterwards, on the 4th of April, 1794?

A. If you name what was done I may recollect.

Q. When five gentlemen from the Corresponding Society, came to the Constitutional Society as Delegates?

A. Yes.

Q. Do you recollect any other five persons of your Society being desired to be nominated to join with them as a Committee?

A. I remember being at the Society when five gentlemen were there.

Q. Who came from the Corresponding Society?

A. Yes.

Q. Do you recollect the names of the five persons?

A. No—I never saw them before in my life.

Q. Was

By

Q. Was there any body appointed by your Society to meet them as a Committee of Co-operation—Were you one of them?

A. I was one—I understood it as a Committee of delegation.

Q. By whom were you proposed?

A. I think by Mr. Horne Tooke.

Q. You afterwards met?

A. Yes.

Q. Did you propose anybody?

A. No.

Q. Were you present when the report of these Delegates was made, on the 11th of April, 1794?

A. I believe not—I do not remember.

Q. Were you appointed one of the Committee of Correspondence?

A. I was one of the Delegates—that is all that I understand.

Q. Appointed on that day, the 11th of April?

A. Yes.

Q. Was there besides that, a Committee of Correspondence?

A. That I cannot tell—I was of the Committee of Delegation.

Mr. William Sharpe,

Cross-examined by *Mr. Tooke,*

Q. Mr. Sharpe—the gentlemen who have called you as a witness appear to have as good an opinion of you as I have. It is said that I nominated you to some delegation—Do you think I did it because I had a good opinion of you?

A. Yes.

Q. I believe you have often heard me speak my sentiments upon the different subjects that have been lately agitated in politics?

A. Yes.

Q. You may, or may not, have heard me at some time or other say, that I would rather be governed by St. James's, than St. Giles's?

- A.* Yes—I remember it very well.
- Q.* I fancy you have often been in my house?
- A.* Yes.
- Q.* I believe our acquaintance first began with the wish that I had, that you should teach my two daughters to engrave?
- A.* Yes.
- Q.* I believe you have assisted them in that way?
- A.* I have.
- Q.* You have been very constantly, in the summer time, I suppose, in my house?
- A.* Yes—I have.
- Q.* You have worked there yourself?
- A.* I have.
- Q.* You have engraved much there?
- A.* Yes.
- Q.* Possibly you can tell in what manner I live, and how my family is ordered and directed?
- A.* Yes.
- Q.* Perhaps you know that I had a horse in the stable?
- A.* Yes.
- Q.* Do you ever recollect my riding out upon it?
- A.* Yes.
- Q.* Often?
- A.* No—only once with me.
- Q.* Once in two years?
- A.* Yes.
- Q.* Did I ever walk outside my gate?
- A.* Yes.
- Q.* Often?
- A.* Very seldom.
- Q.* How often do you believe in two years?
- A.* I do not believe you walked out above twice.
- Q.* You can tell whether I have much company in the week?
- A.* Very little in the week.
- Q.* How was I employed?

A. Generally

A. Generally in your garden; and, when in doors, you was employed in looking over old books, I suppose for your great work, and writing, and playing at whist.

Q. Do you remember, at any time, my receiving an anonymous letter, directed to me from Ireland, enclosing a letter to Mr. Paine?

A. Yes, I do.

Q. What was done with it?

A. Put into the fire.

Q. Was the letter to Mr. Paine opened?

A. No, you would not open it; it being an anonymous letter, you told me to witness that you put it into the fire without opening it.

Q. Can you recollect on the 15th of May, the day before I was apprehended, where you dined?

A. Yes, in Spital-square.

Q. Can you recollect any particular circumstance that passed there at the dinner?

A. Yes, there was a conversation about a letter from Mr. Joyce to you, which I understood was intercepted.

Q. Do you know that I ever received any letter from Mr. Joyce, in my life?

A. You said you had not received any,

Q. You do not know that I had?

A. I do not know that you ever did.

Q. Do you know that I ever wrote him one in my life?

A. You are very backward at writing letters, I should suppose not.

Q. Were you informed of the subject of that letter?

A. Yes, that letter was alluding to the red book—there were to be extracts made from the red book, of the sinecures and pensions which Mr. Pitt and his family received from the public.—Mr. Joyce called upon me the day Hardy was taken up, and told me he had sent a letter to you, to acquaint you that Hardy was taken up, and desired you to be ready at Spitalfields on Thursday next, with those extracts.

Q. Do

Q. Do you recollect the story being mentioned at the dinner, and considerably laughed at?

A. It was.

Q. Do you remember one expression in that letter was—"Is it possible to be ready by Thursday?"

A. I remember that was talked of at dinner.

Q. You recollect the interception of this letter being much talked of at that dinner?

A. Yes.

Q. Which contained the horrible plot of taking from the Court Calender a list of large sinecure places and pensions enjoyed by Mr. Pitt, his family and creatures?

A. Yes.

Mr. Tooke. I ask these questions, because I believe it was for this plot that I was apprehended the next day—if the intercepted letter is in Court have I a right to ask for its production?

Lord Chief Justice Eyre. If there is a letter which is in the hands of the Officers of the Crown that appears to you to be necessary for your defence, to be sure you may call upon them to produce it.

Mr. Tooke. I mean for the purpose of this cross-examination?

Lord Chief Justice Eyre. To be sure, if they have it, they will produce it—Is it a letter from Mr. Joyce, supposed to be intercepted?

Mr. Tooke. A letter from Mr. Joyce to me, which was intercepted.

Lord Chief Justice Eyre. That is, there was a conversation that such a thing had happened.

Mr. Tooke. A great deal more than that—I am informed, from pretty good authority, that a letter was intercepted, which should have come by the post to me, on the Wednesday previous to my apprehension—that it was produced before the Privy Council, and made the subject of very serious examination; that great alarm, and great apprehensions, were entertained from the particular way of wording that letter—and it is for the purpose of this cross-examination that I wish to have that letter produced.

(The

(The letter shewn to the witness.)

Mr. Tooke. Did you ever see that letter before?

A. I never saw it before—I was only told of it.

Q. Were you examined to the substance of that letter, in the Privy Council?

A. No.

Q. Were any questions asked you in the Privy Council, relative to that letter?

A. No, but the substance of it confirms what *Mr. Joyce* said to me.

Mr. Tooke. May this letter be read?

Mr. Law. It comes in your evidence. Do you know the hand-writing of that letter?

A. No, I am not acquainted with *Mr. Joyce's* hand-writing.

Q. Have you seen him write?

A. I have.

Mr. Tooke. Were you sometimes at the Society for Constitutional Information, when I have been present?

A. Yes, often.

Q. Have you often gone with me in my chaise to Wimbledon, from that Society?

A. Yes.

Q. At what time did we frequently leave that Society?

A. During the business of the Scotch Convention, we went early, we went at the beginning, because you did not like to stay when that matter was before the Society—at other times we have frequently staid late, sometimes till ten o'clock, at other times we have come away early.

Mr. Law. *Mr. Tooke*, you may have the letter read now, if it is to answer any purpose.

Mr. Tooke. I desire to have it read.

(The letter was read.)

“ DEAR CITIZEN,

“ This morning, at six o'clock, Citizen Hardy was taken away, by order from the Secretary of State's Office: they
“ seized

" seized every thing they could lay hands on—Query, Is it possible to get ready by Thursday? Your's,

" J. JOYCE."

Addressed, " I. H. Tooke, Esq."

Mr. Tooke. Do you know, by conversation with Mr. Joyce, what it was I was to be ready with by Thursday?

A. The extracts from the red book, of the emoluments that Mr. Pitt and his family derived from the public.

Lord Chief Justice Eyre. Who was to make those extracts?

A. Mr. Tooke was to make the extracts.

Mr. Tooke. In your passage to dine at Mr. Pearson's, in Spital-square, did you see any light horse?

A. Yes, I saw the last pass the window; I was saying there were some light horse; I looked through, and saw the last.

Q. Was it understood, or had you any reason to suppose, that these light horse were sent in consequence of the interception of this letter, containing this horrid treason?

A. I understood so, that the army was out.

Lord Chief Justice Eyre. What reason had you to understand that?

A. A person came and told me, that there went to Spitalfields some light horse that day. I enquired of a military gentleman, a day or two after, and he said there was an order came the night before, for them to be there.

Mr. Tooke. Do you know, of your own knowledge, that for the two years last past I was always very desirous that nothing should be done at the Society; that nothing important should be done?

A. I cannot tell.

Q. Do you know, of your own knowledge, that I was desirous of very long adjournments?

A. Yes, I heard persons complain against long adjournments; and I understood you was the person complained against.

Q. Do you know that I wished to stay at home, and not to go frequently to London?

A. You

A. You always expressed a wish of living in your garden; you said you did not care whether you ever went out.

Q. Perhaps you have heard me wish for an act of Parliament, to make it death for me ever to go out?

A. I have heard that.

Q. Were you a member of the club that dined before we met?

A. Yes.

Q. Do you recollect any thing secret passing there?

A. No. Visitors were admitted there.

Q. Have you read the reports of the secret Committees of the two Houses of Parliament?

A. No.

Q. Did you ever see or know of the transactions of distant Societies in the Country, or in London?

A. No.

Q. Did you ever read all the papers or transactions of the Society to which you belonged?

A. No.

Q. Do you remember any other person ever giving themselves the trouble to read what had passed?

A. No, I do not remember.

Q. Have I ever, when I have quitted the Society early, spoken to you, or to others in your hearing, to request them to obtain adjournments of the Society, when I could not stay for the purpose myself?

A. I cannot be positive, I remember something of it.

Q. Whether all the members of the Society for Constitutional Information, at least when you met them, were of the same way of thinking?

A. No.

Q. Did they frequently debate and contradict each other?

A. Yes.

Q. Do you ever remember any such thing as a Secret Committee in that Society?

A. No, never.

Q. Can

Q. Can you recollect frequent mention being made of correspondents in different places, when there were none?

A. Yes, I remember hearing joking about that.

Q. In Ireland, France, and Scotland, do you remember Committees of Correspondence being appointed frequently?

A. Yes.

Q. Do you remember their meeting?

A. I do not.

Q. You were of a Committee of Correspondence once or twice?

A. I do not know only this last one; I never met any but this last one.

Q. Do you recollect any reason being given, why you were nominated by me to be of the Committee of Correspondence?

A. I understood you had a good opinion of me.

Q. Do you recollect what my opinions were relative to Universal Suffrage?

A. O yes, you were against that?

Mr. Tooke. It is hard upon me to be compelled, in order to get at the facts, to ask, in this cross-examination, as if I thought these things were crimes; I think them not, but I put the facts from myself, that I may not have to encounter the abilities of the Attorney and Solicitor General, who perhaps will prove these things to be crimes; otherwise, in my own mind, I think them to be no crimes—Have you ever heard me say any thing against the Constitution of this Country, by King, Lords, and Commons?

A. Never, you always spoke for it.

Q. Do you recollect whether I was for sending Delegates to the British Convention, in Scotland, or not?

A. I cannot tell, for I came in late that night that it was proposed.

Q. Do you recollect any dispute upon that subject between me and any body else?

A. I cannot remember.

Q. Did you, at any time in the year 1793, receive letters

full of enquiries, whether I was not bribed and pensioned by the Court?

A. I received letters from the Country, desiring to know from me, being intimate with you, whether the reports were true, that you were bribed, that you had a pension from the Court, that you had deserted the cause of liberty, they wanted to know from me.

Q. Do you know what was the reason of such a report?

A. On account of your opposing the business of the Scotch Convention.

Q. Do you recollect the letter which I wrote for a subscription for Mr. Sinclair?

A. I do not remember that.

Q. Can you remember whether I distinguished between assisting a man to do a thing, and assisting him after he had done what I disliked, because he was unfortunate?

A. Yes, that I remember very well.

Q. You have dined at my house I believe sometimes on a Sunday?

A. Yes.

Q. What was my custom, with regard to my Sunday?

A. Employment as usual on the other days, except having friends to dinner.

Q. Had I always company on a Sunday?

A. Generally.

Q. At what time did they usually come?

A. I believe between the hours of two and four.

Q. About what time did they usually go?

A. Some went at six, others at seven or eight o'clock.

Q. Was all the conversation open and public?

A. Yes.

Q. Did any friend of mine bring any body he pleased, whether I knew him or not?

A. Some did.

Q. Did you consider yourself at liberty to do so?

A. Yes, and made use of that liberty.

Q. Did any dangerous or improper conversation, as far as you know, ever pass at my table?

A. I do not remember any; it was all the usual conversation that passes at other tables.

Q. You have dined with me often upon a Sunday, with numbers of other persons, both political persons, and persons who did not trouble their heads with politics, I believe?

A. Yes.

Q. Have you ever heard me say that if there was trouble in this country I supposed myself should be one of the first victims?

A. Often.

Q. Have you ever heard me give the reason why I thought so?

A. Yes; because you would oppose any mischievous characters.

Q. Was it because I have already opposed all parties?

A. Yes; I remember your making use of some strong expressions, that if you was execrated by all the world, what you conceived to be your duty you should do.

Q. Did you dine at the meeting of the anniversary on the 2d of May, 1794?

A. Yes.

Q. Can you recollect the substance of what I then said?

A. No; I only got a word or two, being at the bottom of the room.

Q. Did you hear at the bottom of the room that I gave a warning to the company not to mistake the object of their censure?

A. I did not hear it.

Q. Do you remember that I was myself pretty severely abused at that meeting?

A. I only heard that you made an aristocratic speech.

Lord Chief Justice Eyre. Was that the conversation in the room?

A. Yes; conversation in the room, and afterwards.

Mr. Tooke. Was it a difficult matter to be admitted a member of the Society for Constitutional Information?

A. A very easy matter.

Q. Were there many refused, who were willing to be members, in the course of the two years that you were a member?

A. Very few as I recollect.

Q. Was I remarkably diligent, or remarkably careless, about the business of that Society?

A. I thought you was careless.

Q. Do you believe that the professions which I made for a Reform in the House of Commons, in the method of election, were a pretext, or my real sentiments?

A. Your real sentiments.

Q. Have you any strong reason to believe so?

A. I have great reason to believe so; you said every thing would be right if the Commons House was settled according to the principles at the Revolution.

Q. Have you reason to believe that I preferred the Government of England to the Government of France?

A. You preferred it because you liked it yourself.

Q. You do not know to what degree I liked it?

A. No.

Q. Was you ever taken into custody?

A. Yes, by a person with a warrant from the Secretary of State.

Q. What was the cause?

A. I do not know; it was said "treasonable practices."

Q. Were you alone in custody?

A. Yes.

Q. What did you suppose to be the object of the Society for Constitutional Information?

A. A Parliamentary Reform.

Q. Did you think they had any other object in view?

A. No; the name expressed the object:—I understood so.

Q. Did you think any of them intended to use force?

A. No; I never saw any thing of the kind.

Q. Had you any reason to suspect that of any of the members?

A. No.

Q. Was

Q. Was it ever the subject of conversation among any of the members?

A. No.

Q. I believe you was of the Committee of Co-operation?

A. I really do not know, there are so many names.

Q. You was to co-operate with some of the members of the Corresponding Society, and to co-operate, it says in some of the papers, for a great end—What was the great end?

A. A Parliamentary Reform.

Q. Did I ever attend any of those Committees?

A. No.

Q. Do you remember at any time any of those associated members (I think they are called) from the Societies at Sheffield, at Norwich, and other places, ever attending the Society for Constitutional Information?

A. No, I do not remember.

Q. Their names were put in the book, but you do not recollect that they ever attended?

A. No; I paid so little attention sometimes.

Q. Do you recollect a hundred thousand copies of something (I do not know what) being ordered to be distributed among the correspondents in Great Britain and Ireland.

A. I remember hearing of such a circumstance.

Q. Did you ever see any of them?

A. No.

Q. Then you do not know that they were ever printed?

A. No.

Q. Do you think they were printed?

A. I should suppose not.

Q. How much money do you think a hundred thousand copies of a sheet-full would cost?

A. I cannot say.

Q. I believe you have some peculiar ways of thinking of religion of your own?

A. I have my own ways.

Q. I do not want to enquire into them; but did you ever

A a 3-

hear

hear me consent to any attack upon any establishment of this Country, religious or civil?

A. Never.

Q. Have you not always heard me speak against Dissenters of every kind, civil and religious, for I do not confine it; have you not constantly and perpetually heard me defending every establishment of the Country strenuously, against those who opposed it?

A. Yes; your only object was a Reform in the Commons House of Parliament—that every thing would be right if that was obtained.

Q. Did you suppose me a great bigot for the Church of England, or any other Church?

A. No; I thought you had no religion at all.

Q. Do you mean, by having no religion at all, that I had no preference?

A. No preference; that you were for letting every body enjoy their own.

Q. But you do not suppose I would eat little children without being dressed?

A. No.

Q. What was your subscription to the Society for Constitutional Information?

A. A guinea a year.

Q. If any expences had been incurred besides the guinea that you subscribed, should you have thought yourself answerable for them?

A. No.

Q. If any member had done any act without your concurring, and being a party in it, should you have thought yourself answerable?

A. No.

Q. Then if I was guilty of Treason, you would not have thought yourself liable, as a member of that Society, to be apprehended for treasonable practices—that is, till you was apprehended?

A. No.

A. No.

Q. Did you ever hear of such a Society as the Lumber Troop?

A. I have.

Q. Was you a member of it?

A. Never.

Q. Did you ever hear that the first of their regulations is, that every member of that Society has permission to knock down any bailiff, constable, or watchman he pleases?

A. No, I never did.

Mr. Tooke. I did not mean to raise a laugh, I only meant to shew the danger these gentlemen run.

Mr. Solicitor General. I did not object to a great deal of this examination.

Lord Chief Justice Eyre. A great deal of it, though not quite strictly correct, certainly goes materially to the defence.

Mr. Christopher Hull, (sworn.)

Examined by Mr. Garrow.

Q. Were you a member of the Constitutional Society?

A. Yes.

Q. From what time were you a member?

A. I do not immediately recollect; I believe from some time about the year 1791.

Q. Have you continued so till the present time?

A. I have continued a member till the present moment.

Q. Were you present at a meeting on the 21st of March last?

A. I cannot tell; I do not recollect any date whatever.

Q. Do you remember being present at any time when a report was made from a Committee of Correspondence?

A. No, I was not.

Q. Were you present at the appointment of any Committee?

A. I do not recollect.

Q. Have you ever heard of a Committee called a Committee of Conference?

A. I do not recollect to have heard of it till this moment.

Q. Have you heard of a Committee of Correspondence?

A. I have: I wish to know what that Committee of Correspondence was; if it is the Committee for which these Gentlemen are indicted, I never heard of it till I saw it in the indictment.

Q. I know no other description of it than a Committee of Correspondence?

A. I do not know whether I heard of that Committee in the Society.

Q. Were you present at any meeting of the Society when any Committee was appointed for any purpose?

A. I do not recollect that ever I was, except one I was upon.

Q. For what purpose was that Committee appointed?

A. I cannot tell.

Q. Do you know a person of the name of Joyce?

A. Yes.

Q. Do you remember being present at any meeting in the month of April, recently, before you were examined before the Privy Council—being present at any meeting when Joyce was in the chair?

A. I recollect Mr. Joyce in the chair at the dinner; I do not recollect him in the chair at any meeting of the Society.

Q. I asked you whether you were present at any time when any Committee which had been previously appointed made a report?

A. I do not remember being present when any Committee made any report, nor I don't believe I was.

Q. Nor being present when any report was read?

A. No, I do not recollect it.

Q. Do you recollect proposing a Gentleman of the name of Dubarry to be a member?

A. Yes.

Q. Do you remember when that was?

A. No, I do not.

Mr. Garrow, As you cannot recollect any dates, I won't trouble you with any more questions.

Mr. Solicitor General, (to Mr. Lauzun.) Where did you find this paper?

A. I found this paper in Mr. Hardy's house.

(Extracts were read from the Report of the Committee of Constitution of the London Corresponding Society.—No date.)

[Vide Hardy's Trial, vol. 2, page 127.]

Mr. Solicitor General, There is no date to the paper which has been just read, and I cannot ascertain the date of it any otherwise than by the time when the Committee were appointed.

Q. (to Mr. Gurnell.) Will you say where you found this paper?

A. I found it in the desk of Mr. Hardy.

Mr. Solicitor General. This is the appointment of Mr. Felix Vaughan to be a Delegate to the Committee for preparing this Constitution; endorsed 30th of April, 1792.

(It was read.)

[Vide Hardy's Trial, vol. 2. page 126.]

Mr. Solicitor General. We shall now read a letter to the people of France, from Mr. Paine, which was printed by the London Corresponding Society; and of which your Lordship may recollect they sent two hundred copies to the Constitutional Society.

Q. (to Mr. Gurnell.) Did you find this paper any where?

A. This I found in Mr. Hardy's house.

(Letter of Thomas Paine to the people of France, published and distributed, gratis, by the London Corresponding Society, dated Paris, September 25th, First Year of the Republic, read.)

[Vide Hardy's Trial, vol. 2. page 9.]

THE END OF THE EVIDENCE FOR THE PROSECUTION.

FOR

FOR THE PRISONER.

The Honourable THOMAS ERSKINE.*Gentlemen of the Jury,*

When I compare the situation in which, not many days ago, I stood up to address myself to a Jury in this place, with that which I now occupy—When I reflect upon the emotions which at that time almost weighed and pressed me down into the earth, with those which at this moment animate and support me, I scarcely know how to bear myself, or in what manner to conduct my cause.

I stood up here, Gentlemen, upon the first trial, not alone indeed, but firmly and ably supported by my honourable, excellent, and learned friend, whose assistance I still have—

[*Here Mr. Erskine was interrupted with the noise made by some workmen, which the Court ordered to be stopt, and, which being done, he proceeded.*]

Gentlemen, I am too much used to public life to be at all disconcerted by any of these little accidents, and, indeed, I am rather glad that any interruption gives me the opportunity of repeating a sentiment so very dear to me—I stood up here, not alone, but ably and manfully supported by this excellent friend, who now sits by me; yet, under circumstances of distress and agitation, which no assistance could remove, and which I even now tremble to look back upon. I appeared in this place as the representative of a poor, lowly, and obscure mechanic, known only, of course, to persons in equal obscurity with himself; yet, in his name and person, had to bear up against a pressure which no advocate in England ever before had to contend with, for the most favored or powerful subject. I had to contend, in the first place, against the vast and extensive—but, after the verdict which has been given, I will not say the crushing influence of the Crown of England. I had to struggle, from the very nature

ture of the case, with that deep and solid interest which every good subject takes, and ought to take, in the life of the Chief Magistrate appointed to execute the laws; and whose safety is so inseparably connected with the general happiness, and the stability of the Government. I had further to contend with an interest more powerful and energetic—with that generous and benevolent interest, founded upon affection for the King's person, which has so long been, and, I trust, ever will remain the characteristic of Englishmen. These prepossessions, just in themselves, but connected with dangerous partialities, would, *at any time*, have been sufficiently formidable; but at what season had I to contend with them? I had to contend with them when a cloud of prejudices covered every person whose name could be mentioned or thought of in the course of my defence—prejudices not only propagated by honest, though mistaken, zeal, but fomented by wickedness beyond the power of language to give any idea of—and all directed against the Societies of which the prisoners were members, only because they had presumed to do what those who prosecuted them had done before them in other times; and from the doing of which they had raised their fortunes, and acquired the very power to prosecute and oppress.

I had to contend too with all this in a most fearful season; when the light and humanity, even of an English public, was with no certainty to be reckoned on—when the face of the earth was drawn into convulsions—when bad men were trembling for what ought to follow, and good men for what ought not—and when all the principles of our free Constitution, under the dominion of a delusive or wickedly infused terror, seemed to be trampled under foot. Gentlemen, when we reflect, however, upon the sound principles of the law of England, and the exalted history of its justice, I might, under other circumstances, have looked even those accumulated dangers in the face. There would have still remained that which is paramount to the ordinary law, and the corrector of its abuses: there would still have remained that great tribunal, raised by the wisdom of our ancestors, for the support of the people's rights; that tribunal which

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has made the law itself, and which has given me *you* to look at—that tribunal, which from age to age has been the champion of public liberty, and which has so long, and so often been planted before it as a shield in the day of trouble.—But looking to that quarter, instead of this friendly shield of the subject, I found a sharp and destroying sword in the hand of an enemy. The protecting Commons was itself the accuser of my client, and acted as a Solicitor to prepare the very briefs for the prosecution; I am not making complaints, but stating the facts as they existed. The very briefs, I say, without which my learned Friends (as they themselves agree) could not have travelled through the cause, were prepared by the Commons of Great Britain, came before the Jury stamped with all its influence and authority, preceded by proclamations, and the publications of authoritative reports, in every part of the kingdom, that the influence of the prejudgment might be co-extensive with the island.

I had, therefore, to contend with an impeachment, without the justice belonging to such a proceeding.—When a subject is impeached by the Commons of England, he is not tried by a Jury of his Country; Why?—because the benevolent institutions of our wise forefathers forbid it. They considered that when the Commons were the accusers, the Jury were the accusers also. They considered the Commons in Parliament, and the Commons at large, to be one and the same thing, though one would think from the proceedings we are now engaged in, and every thing connected with them, that they had no connection with one another; but that on the contrary the House of Commons was holding out a siege against their constituents, and supporting their authority against the privileges of the people, whose representatives they are and ought to be. Upon an impeachment besides, the Lords in Parliament upon the same principle becomes a criminal court of justice for all the subjects of England. A common man is not *forced* before that high assembly, but *flies to it for refuge*, because, as Mr. Justice Blackstone well expresses it, all the rest of the nation is supposed, by the law, to be engaged in the prosecution of their representatives. But did the Lords in Parliament stand in that
situation

situation in the case of the prisoners at this bar? Though not formally arraigned before the great men of the realm, could they look up to them for countenance and support? Gentlemen, the Lords united themselves with the Commons in the accusation, and, like the Commons, prejudged the cause by the publication of reports, which contain the whole mass of the criminating evidence.—

I had, besides all this, to wade through a mass of matter beyond the reach of the human understanding to disentangle or comprehend, and which no strength of body could communicate if understood; a situation so new and unparalleled in the criminal justice of the Country, that the Judges were obliged to make new experiments upon our legal Constitution, to invent the means of trial: I go along with the decision of the Court as to the adjournment, though I waive no privilege for my client; but what shall we say of a decision which nothing but necessity could have justified; which starts up for the first time in the year 1794, after the Constitution has endured for so many centuries; and which brings the Judges of the land in consultation together, to consider how by device, indulgence, or consent, or how at last by the compulsion of authority, they might be able to deal with a case, which had not only no parallel, but nothing even analogous to it in the records or traditions of our Country.

I had lastly to contend, with all that array of ability and learning which is now before me, though with this consolation, that the contention was with honourable men. It is the glory of the English Bar, that the integrity and independence of its members, is no mean security of the subject.

When in spite of all this mighty, and seemingly insuperable pressure, I recollect that an humble, obscure, and lowly individual was not merely acquitted, but delivered with triumph from the dangers which surrounded him; when I call to mind that his deliverance was sealed by a verdict, not obtained by cabal, or legal artifice, but supported by principles, which every man, who has a heart in his bosom, must approve, and which accordingly HAS obtained the most marked and public approba-

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tion; when I consider all this—it raises up a whirlwind of emotions in my mind, which none but him who rides upon the whirlwind could give utterance to express. In that season of danger when I thought a combination of circumstances existed, which no innocence could overcome, and having no strength of my own to rely on, I could only desire to place the Jury under the protection of that benevolent Providence, which has so long peculiarly watched over the fortunes of this favoured island: sincerely, and from the bottom of my heart, I wished that a verdict should be given, such as the Jury might look up to God, as well as around them to man, when they pronounced it. Gentlemen, that verdict is given and recorded, and the honour and justice of the men who, as the instruments of Providence, pronounced it, are recorded, I trust, for ever along with it.

It may be said that this way of considering the subject is the result of a warm enthusiastic temper, under the influence of a religious education, and it may be so—but there is another point of view in which men of all tempers, and however educated, must consider it. All men must agree in considering the decision as a great and solid advantage to the country: they must see in it that our institutions are sound; and at a time when it is fit that the whole nation should rally round its Government and Constitution, instead of one part of it being set up to calumniate and persecute another. They must agree, that no event could be more fortunate than a public trial, which demonstrates that we hold our lives, and every thing that is dear to us, under a law which nothing can supersede; because there is little likelihood that men will desire to change a Constitution which thoroughly protects them. And before this cause is over, you will see that no man has ever had any such disposition.

Gentlemen, we now come to the *merits* of the cause itself; and though if I were myself at the bar, instead of the Honourable Gentleman who is arraigned before you, I should be disposed to trouble you very little in my own defence, yet I mean to pursue no such course as the advocate of OTHERS. I say the advocate of OTHERS: for my client must forgive me if I almost lose sight of *him* in the determination of my duties. Indeed, I

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can hardly find him out in the mass of matter which has been read to you. One is obliged to search for him through the proceedings, and with difficulty can find his name; whilst others to whom I owe a similar attention, and who stand behind for trial, are undoubtedly implicated in part of that which has been fruitlessly read against him. It is this alone which obliges me at all to consider the quality of the transactions before you, and to apply them to the law; lest assumed facts, and erroneous doctrines should meet me at another time, and in another character, touching in their consequences the safety of the other prisoners, and of the whole people of this land.

The first thing we have to consider in this, as in all other trials, is the nature of the accusation. What are we here about? For to say the truth, it is a little difficult at first view to find it out. It is the glory of the English law, that it requires even in the commonest cases (*a fortiori in a case of blood*) the utmost precision of charge, and a proof correspondingly precise. Hitting the bird in the very eye; strictly conformable, not merely to the substance of the crime, but to the accusing letter.

Let us see, therefore, what the charge is——

When I had the honour to discuss this subject before, it was to another Jury, and, indeed, to another Court; for I now see on the bench an honourable and learned Judge, who was not then present: some of you also, Gentlemen, most probably were in the way of hearing, and of receiving an impression from the able address of the Attorney General, in the introduction of Mr. Hardy's Trial; for you were bound to be present in Court when the Jury was called, and it is not to be supposed, that after having discharged, on that day, your duty to the public by a painful attendance, you would continue it in order to hear the defence with which you had no manner of concern. If you come, therefore, with any bias upon your minds from the situation you were placed in by your duties, it *must* be a bias against me; for you heard every thing on one side, and nothing upon the other: it becomes my duty, therefore, to go over again the same arguments which I employed before, though some of you are not yet recovered from the fatigue

fatigue of attending to them. Nor is the task less nauseous to myself; but nevertheless, irksome as it is, it must be performed: I am not placed here to establish a reputation for speaking, nor to amuse others with the novelty of discourse; but to defend innocence, and to maintain the liberties of my country.

Gentlemen, the charge is this—

The indictment states, “ That all the prisoners (*whose names I shall hereafter enumerate, when I come to remark upon the evidence*) “ intending to excite insurrection, rebellion, and war “ against the King, and to subvert the Rule and Government of “ the Kingdom, and to depose the King from his Royal State “ and Government of the Kingdom, and to bring and put the “ King to death—Maliciously and traitorously, and with force, “ did, amongst themselves, and together with other false traitors, “ conspire, compass, and imagine to excite insurrection, rebellion, “ and war against the King, and to subvert the Legislature, Rule, “ and Government of the Kingdom, and to depose the King “ from the Royal State and Government of the Kingdom, AND TO “ BRING AND PUT OUR SAID LORD THE KING TO DEATH.”

This is the whole charge—But as it is an offence which has its seat in the heart, the Treason being complete by the unconsummated intention, it is enacted by positive statute, and was indeed the ancient practice upon the general principles of English law, that he who is accused of this crime, which consists in the invisible operations of the mind, should have it distinctly disclosed to him upon the same record, what acts the Crown intends to establish, upon the trial, as indicative of the Treason; which acts do not constitute the crime, but are charged upon the record, as the means employed by the prisoner to accomplish the intention against the King’s life, which is the Treason under the first branch of the statute.

The record therefore goes on to charge, that, “ in order to “ fulfil, perfect, and bring to effect their most evil and treasonable compassings and imaginations,” (*that is to say, the compassings and imaginations antecedently averred, viz. to bring and put the King to death,*) “ they met, consulted, conspired, “ and agreed amongst themselves, and others, to the Jurors un-
“ known,

“ known, to cause and procure a convention and meeting of
 “ divers subjects of the Realm, to be held and assembled within
 “ this Kingdom.” Now, in order to elucidate the true essence
 of this anomolous crime, and to prevent the possibility of con-
 founding the Treason with the OVERT-ACT, which is only
 charged as the manifestation of it,—let us pause here a little,
 and see what would have been the consequence if the charge had
 finished here, without further connecting the OVERT-ACT with
 the TREASON, by directly charging the Convention to have
 been assembled FOR THE PURPOSE OF BRINGING THE KING
 TO DEATH. I shall not be put to argue that no proceedings
 could have been had upon such a defective indictment; since
 common sense must inform the most unlettered mind, that merely
 to hold a Convention of the people, which might be for VARIOUS
 PURPOSES, without alledging for WHAT PURPOSE it was as-
 sembled, would not only not amount to High Treason, but to
 no crime whatsoever. The indictment therefore, of necessity,
 proceeds to aver, that “ they conspired to hold this Convention,
 “ WITH INTENT, and in order, that the persons so to be as-
 “ sembled at such Convention, and Meeting, should and might,
 “ wickedly and traitorously, without and in defiance of the au-
 “ thority, and against the will of the Parliament of this King-
 “ dom, subvert, and alter, and cause to be subverted and al-
 “ tered, the Legislature, Rule, and Government of the King-
 “ dom.” What then is the charge in this first count of the in-
 dictment, when its members are connected together, and taken
 as one whole? It is that the prisoner conspired, and confeder-
 ated, with others, to subvert the Rule and Government of the
 Kingdom, and to depose the King, and TO BRING AND PUT
 HIM TO DEATH; which last of the three is the only essential
 charge: for I shall not be put to argue that the indictment
 would have been equally complete without the two former, and
 wholly and radically defective without the latter; since it has
 been, and will again be conceded to me, THAT THE COM-
 PASSING THE KING’S DEATH IS THE GIST OF THE INDICT-
 MENT, WHICH NOTHING CAN ADD TO, AND THE OMISSION
 OF WHICH NOTHING CAN SUPPLY. The indictment, there-

fore, having charged the traitorous compassing, proceeds, in conformity to the statute, to state the act charged to have been committed in fulfilment of it; which you observe is not an armed assembly to seize and destroy at once the person of the King, but a conspiracy to effect the same purpose through the medium of a Convention; the indictment therefore charges their design to assemble this Convention, not as a meeting to petition for the Reform of Parliament, or to deliberate upon the grievances of the Country, but with the fixed and rooted intent in the mind, that this Convention, when got together, whatever might be its external pretext, should depose the King, AND PUT HIM TO DEATH. It is impossible therefore to separate the members of this charge without destroying its whole existence; because the charge of the compassing would be utterly void without the overt-act which the statute requires to be charged as the means employed by the prisoner to accomplish the Treason, and because no other acts can be resorted to for its establishment; and the overt-act would be equally nugatory if separated from the compassing, SINCE THE OVERT-ACT DOES NOT SUBSTANTIVELY CONSTITUTE THE TREASON WHEN SEPARATED FROM THE TRAITOROUS PURPOSE OF THE MIND WHICH PRODUCED IT, BUT IS ONLY THE VISIBLE MANIFESTATION OF THE TRAITOROUS INTENTION, WHICH IS ADMITTED, ON ALL HANDS, TO BE THE CRIME; and your office, therefore, Gentlemen—(*I defy the wit, or wisdom, or artifice of man, to remove me from the position*)—your office is to try whether the record, inseparable as I have shewn it to be in its members, BE TRUE, OR FALSE. Or, to sum up its contents in a word, whether the prisoner conspired, with others, to hold a Convention or Meeting, with the design that, under the mask of Reform of Parliament, it should depose the King from his Royal Office, and DESTROY HIS LIFE.

There are several other overt-acts charged in the indictment, to which, however, you will see, at a glance, that the same principle will uniformly apply, since the compassing the death of the King is alike the charge in all of them; the overt-acts only differing from one another, as the indictment charges different acts

acts connected with the assembling of this Convention—such as how it was to be held—who were to form Committees for projecting its meeting—and so on—which I do not particularize just now, because I shall have occasion to consider them distinctly when I come to the particulars of the evidence. There is one of the counts, however, that has been so strongly relied on in argument, and to which so large a portion of the evidence has been thought to apply, that it is necessary, in this place, to attend to its structure. I mean the count which charges the circulation of papers. We have heard a great many of them read, and they will be a lesson to me never again to destroy old newspapers as useless wrappings, but to treasure them up as precious manuscripts for the discovery of plots, and secrets of conspirators: for, with a very few exceptions, the whole of the written evidence—by which so deep laid and detestable a conspiracy, is supposed to have been developed by the seizure of the persons and correspondences of traitors—has been to be found, for two years past, upon the public file of every common newspaper, and retailed, over and over again, in every town and country magazine in the Kingdom; and that too with the implied consent of his Majesty's Attorney General, who could not help seeing them, and who never thought of prosecuting any man for their publication. Yet these said old newspapers are, on a sudden, collected together, and their circulation charged as an overt-act of High Treason against the honourable Gentleman before you; although, with a very few and perfectly harmless exceptions, it has not been shewn that he either wrote them, or published them, or read them, or even knew of their existence.

But supposing him to have been the author of all the volumes which have been read, let us examine how they are charged, in order to erect their circulation into Treason.

The indictment states, that “ further to fulfil their traitorous intention *as aforesaid*,” (*referring to the antecedent charge of compassing in the former count*) “ they maliciously, and traitorously, did compose, and write, and cause to be composed and written, divers books, pamphlets, letters, and instructions, purporting, and containing therein, amongst other things, en-

“ couragements and exhortations to move, induce, and persuade
 “ the subjects of our said Lord the King, to choose, depùte, and
 “ send, and cause to be chosen, deputed, and sent, persons as
 “ Delegates, to compose and constitute such Convention as *afore-*
 “ *said*, with the traitorous purposes *aforesaid*”—*which is agreed*
to be a reference to the traitorous purposes enumerated in the
antecedent part of the indictment. Here, therefore, let us pause
 again, to review the substance of this accusation.

The charge, you observe, is NOT the writing of a libel, or
 libels; or for their publication, or circulation; but their compo-
 sition and circulation *to effect the premeditated, pre-concerted*
Treason against the King's life. This *intention*, in their circula-
 tion, was accordingly considered by the Court most distinctly
 and correctly, not only in the charge to the Grand Jury, but
 upon the former trial, as the merest matter of fact which could
 possibly be put upon parchment; totally disentangled from every
 legal qualification. We are not, therefore, examining whether
 these papers which have been read, or any of them, are libels;
 but whether (whatever may be their criminal or illegal qualities)
 they were written and circulated by men who, having prede-
 termined, in their wicked imaginations, to depose and put to death
the King, wrote and published them to excite others to aid them
 in the accomplishment of that detestable and traitorous conspiracy.

There is another overt-act, in which the publication of the
 same papers are charged, which I only read to you to shew the
 uniform application of the principle which obviously pervades
 every branch and member of the indictment. It states, that
 “ the prisoners, in further fulfilment of the *Treason aforsaid*,”
 (i. e. *by reference, the Treason of PUTTING THE KING TO*
DEATH) “ and, in order the more readily and effectually to as-
 “ semble such Convention and Meeting as *aforsaid*, for the
 “ *traitorous purposes aforsaid*,” (i. e. *by reference, the traitor-*
ous purpose against the life of the King) “ they composed, and
 “ caused to be composed, divers books, pamphlets, &c. purport-
 “ ing and containing, amongst other things, incitements, en-
 “ couragements, and exhortations, to move, induce, and per-
 “ suade the subjects of our said Lord the King to choose,
 “ de-

“ depute, and send, and cause to be chosen, deputed and sent, “ persons as Delegates to compose such Convention and Meeting as aforesaid, to aid and assist in carrying into effect such “ traitorous, subversive alteration and deposition as last aforesaid.” So that this charge differs in nothing from the former. For it is not that criminal pamphlets were published, but that they who published them having wickedly and maliciously conceived in their minds, and set on foot a conspiracy wholly to overthrow and subvert the Government, to depose, and *to put to death the King*, published them for the express purpose of exciting others to join them in the accomplishment of their Treason. It does not charge the publication of libellous matter, which peradventure, or even in all probability, might excite others to *originate* such a conspiracy; but to excite others to assist in the accomplishment of one already hatched in the mind and intention of the prisoner.

Gentlemen, I should not further enlarge upon matter which appears to be so self-evident, more especially as I perceive that I have the assent of the Court to the meaning and construction of the indictment as I have stated it, were it not that on the former trial it was directly questioned by the Solicitor General, in an argument which I cannot possibly reconcile with any one principle or precedent of English law. I am persuaded that he will not consider this observation as a personal attack upon his integrity, or any depreciation of his professional learning, for both of which I have always had a great respect. When the mind has long been engaged upon a particular subject, and has happened to look at it in a particular point of view, it is its natural infirmity to draw into the vortex of its own ideas, whatever it can lay hold of, however unsuited to their support. I cannot account upon any other principle for the doctrine maintained by so very learned a person, in his late reply in this place; a doctrine so extraordinary, that I would not venture to quote it from my own memory, and which I shall, therefore, read to you from the note I have been furnished with by my learned friend who sits near me*. A doctrine

* Mr. Gurney.

which I am persuaded the Solicitor General would not, upon reflection, re-maintain to be the law; and which, if it were the law, I would not live in the Country longer than to finish my address to you. He says roundly, that the law upon this subject is perfectly clear; namely, that any act done (attend I beseech you to the expression) *that any act done which may endanger the life of the King*, is in the judgment of the law, an act done in pursuance of an intent to compass his death. That the act is, in point of law, demonstrative of the purpose, and constitutes the crime of High Treason; that the imagination of personal harm to the King forms no part of it; and that it is not material whether the person charged had in contemplation the consequences that might follow from what he did, it being sufficient, independently of all intention, if the death of the King was a probable consequence of what he was about to do.

Gentlemen, one hardly knows where one is after reading so strange and confounding a proposition. The argument, in short, is neither more nor less than this—That if I do an act, though with the most innocent mind, and without contemplating that any danger can possibly touch the King; nay more, if from a mistaken zeal I do an act from which the Jury are convinced that I honestly conceived his person would be safer, and his reign more secure and illustrious; yet (*if not in the event*) but only in the *opinion of lawyers*, my conduct led to the direct contrary consequence, I am to be adjudged in law a compasser of the King's death. I am to be found, in point of law, to have intended what I never thought of, and a Jury, whose province is to declare THE FACT, is to be bound in conscience to find me guilty of designing the King's death, though their consciences inform them, from the whole evidence, that I sought nothing but the health of his person, and the honour of his Crown.

Gentlemen, this is such a monstrous, horrible proposition, that I would rather, at the end of all their causes, when I had finished my duty to their unfortunate objects, die upon my knees thanking God, that for the protection of innocence, and
the

the safety of my Country, I had been made the instrument of denying and reprobating it, than live to the age of Methusalem for letting it pass unexposed and unrebuked.

It may be curious to examine to what conclusions this doctrine of a lawyer's speculation upon probable consequences, shutting out the examination of actual intention, might lead. It is part of the evidence before you against the honourable gentleman at your bar, that a proposition was made to, and adopted by, the Constitutional Society to send a Delegate to the Convention at Edinburgh; and you have been desired, from this measure, and others of a similar bearing, to find an intention to destroy the King, from the probable consequence of such proceedings. Let us try the validity of this logic—the Society of the Friends of the People (some of whose proceedings are in evidence) had a similar proposition made to them to send a Delegate to this same Convention, and the measure was only rejected, after a considerable degree of debate; suppose, on the contrary, they had agreed to send one, and that I, who am now speaking to you, had been of the number who consented, I should then have been in a worse predicament than my client who appears to have opposed it; I should have been found to have consented to an act, which, *according to some legal casuists*, had a tendency to destroy the King, and although my life was laboriously devoted to the duties of my profession, which cut me off from attending to the particular conduct of reformers, though I approved of their general and avowed object:—Mr. Yorke's speech at Sheffield, and all the matter besides which has consumed our time and patience for three days past, would have been read to establish my conspiracy with people whom I never saw, or heard of, in the course of my existence; it is, besides equally High Treason to compass and imagine the death of the Heir Apparent, as the death of the King; and if the nature of the conspiracy was to reach the King's life, by subverting the Government, its subversion would lead as directly, in its consequence, to the destruction of his successor, and consequently would, upon the acknowledged principles of law, be a compassing of the death of the Prince of Wales.—See then

to what monstrous conclusions it would lead, to consider an act as legally conclusive of an intention, instead of examining it with the eye of reason, and as a fact from the circumstances attending it. It so happened that at this very time, and though a member of this Society of Reformers, I was Attorney General to the Prince, sworn of his Privy Council, high in his personal confidence, and full of that affection for him which I yet retain. Would it have been said, Gentlemen, (I am not seeking credit with you for my integrity) but would it have been said without ridicule, that a man, placed as I was, in a high situation about the Heir Apparent of the Crown, who had at once the will and the privilege to reward my services; that I, who was serving him at the very moment in terms of confidence and regard, was to be taken conclusively to be plotting his political destruction, and his natural death.

This doctrine, so absurd and irrational, does not appear to me to be supported by any thing like legal authority.

In the first place, let it be recollected that this is an indictment on a statute, and not upon the common law, which has the precedents made by Judges for its foundation;—the rule of action here depends upon a WRITTEN UNALTERABLE record, enacted by the Legislature of the kingdom for the protection of the subjects life, and which the Judges upon the Bench have no right to transgress or alter a letter of, because other Judges may have done so before them.—As far as the law stands upon tradition, it is made by the precedents of Judges, and there is no other evidence of its existence; but a statute is ever present to speak for itself, in all Courts, and in all ages; and I say with certainty—speaking in my own name and person, and desiring to stand or fall as a professional man, by what I utter, that the law is as I maintained it upon the trial of Thomas Hardy, and as I maintain it now. I admit that the statute, like the common law, must receive a judicial interpretation; and that wherever the letter of an act of Parliament is ambiguous, the constructions which have been first put upon it, if rational, ought to continue to be the rule.—But where a statute is expressed in such plain, unambiguous terms, that but one grammatical

matrical or rational construction can be put upon it, when the first departure from that only construction does not appear to have taken its rise from any supposed ambiguity of its expression in the minds of those who first departed from it, which is the general history of constructive departures from written laws, but comes down tainted with the most degraded profligacy of Judges notoriously devoted to arbitrary and corrupt Governments; when the very writers and Judges whose writings and decisions first support such original misconstructions, honestly admit them to be misconstructions, and lament and reprobate their introduction: when the same lamentation and reprobation of them is handed down from Commentator to Commentator, and from Court to Court in the whole series of constructive judgments; and lastly, when Parliament itself in different ages, as the evil has become intolerable, has risen up and swept them all away, and to avoid the introduction of new difficulties, has cautiously left the old letter of the statute standing to speak for itself, without any other commentary than the destruction of every one that ever had been made upon it, the reversal of every judgment which ever had departed from its letter, and the positive prohibition, in all future time, of the one and of the other.—In such a case, I do maintain, and as an English lawyer, feel myself bound for the public safety, in opposition to whatever authorities could be found to the contrary, that if the statute of Edward the Third can be departed from by construction, or can be judged otherwise THAN IF IT HAD PASSED YESTERDAY, there is, properly speaking, no such thing as written law in England.

Gentlemen, you will find me justified in what I say by the language of the statute itself, which is clear and unambiguous, and by the declarations of its genuine meaning by future Parliaments.

The words of the statute of the 25th of Edward the Third, are these—

“Whereas divers opinions have been before this time, in what case Treason shall be said, and what not—the King, at
“the

“ the request of the Lords and Commons, has made a declaration as herein after followeth :

“ When a man doth compass or imagine the death of our Lord the King—or of our Lady his Queen; or of their eldest son and heir; or if a man do levy war against THE KING in his realm, or be adherent to the King’s enemies in his realm, giving them aid and comfort, and thereof be proveably attainted of open deed by people of their condition.”

The reason of passing it, as expressed by the act itself, and by Lord Hale and Lord Coke in their Commentaries, demonstrate the illegality of any departure from its letter; because it was passed to give certainty to a crime which, by judicial constructions, had before become uncertain.—Lord Hale says “ that at common law there was a great latitude used in raising offences to the crime and punishment of Treason, by way of interpretation, and arbitrary construction, which brought in great uncertainty and confusion. Thus accroaching of Royal Power was a usual charge of Treason, anciently, though a very uncertain charge; so that no man could tell what it was, or what defence to make to it.” He then proceeds to state various instances of cruelty and vexation, *and concludes with this observation:—*

“ By these, and the like instances that might be given, it appears how arbitrary and uncertain the law of Treason was BEFORE THE STATUTE of the 25th of Edward the Third, whereby it came to pass, that almost every offence that was, or seemed to be, a breach of faith or allegiance, was by construction, and consequence, and interpretation, raised into the offence of High Treason.”

To put an end to these evils, therefore, and to give to the harrassed subjects of England security and peace, this sacred law was made; but for a season with very little effect, because wicked Judges still broke in upon its protecting letter by arbitrary constructions, insomuch that Lord Hale observes, that although the statute of Edward the Third had expressly directed

rected that nothing should be declared to be Treason, but cases within its enacting letter—" Yet that things were so carried
 " by parties and factions in the succeeding reign of Richard
 " Second, that it was little observed, but as this or that party got
 " the better, so the crime High Treason was in a manner arbitrarily imposed and adjudged, which by various vicissitudes
 " and revolutions mischiefed all parties, first or last, and left a
 " great inquietude and unsettledness in the minds of the people
 " and was one of the occasions of the unhappiness of that
 " King." All these mischiefs, he further observes, arose from breaking the great boundary of Treason by a departure from the letter of the statute, which was so great a snare to the subject, that after many temporary acts of Parliament passed and repealed, and many vexatious and illegal judgments, clashing with, and contradicting one another, the statute of Queen Mary was at last enacted, which swept them all away, and as Lord Coke observes, in his Commentary upon it, in the second institute, not only set up again the very letter of the statute of the 25th of Edward the Third, but repealed all judicial interpretations past, and prohibited all recurrence to them in future.

I will give it you in his own words. " In this statute of
 " Mary, two things are to be observed. First, that the word
 " expressed in the statute of Mary excludes all implications
 " or inferences whatsoever.—Secondly, that no former attainer, judgment, precedent, resolution, or opinion of Judges,
 " or Justices, of High Treason, other than such as are specified and expressed in the statute of Edward the Third, are
 " to be followed or drawn into example. FOR THE WORDS BE
 " PLAIN AND DIRECT—" That from henceforth no act, deed,
 " or offence shall be taken, had, deemed, or adjudged to be High
 " Treason, but only such as are declared and expressed in the
 " said act of the 25th of Edward the Third, any act of Parliament or statute after the 25th of Edward the Third, or
 " any other declaration or matter, to the contrary notwithstanding."

I do

I do therefore maintain, that the statute of King Edward the Third, plain in itself, and rendered still more so by the parliamentary exposition of the act of Queen Mary, is A PEREMPTORY RULE, and that no appeal can be had upon the subject to any writers or decisions, whatever may be the reputation of the one, or the authority of the other.

I find nothing, however, in any writer of character, or in any decision, which deserves the name of authority, to which such an appeal could successfully be made. Lord Hale nowhere says, that a conspiracy to subvert the Government, or any rebellion, pointed merely at the King's *Royal Authority*, is High Treason within this branch of the statute. He uniformly considers the crime as a design against the King's NATURAL LIFE; and treats nothing even as an overt act of it, that is not so pointed against the King's PERSON, as to be legal evidence of a conspiracy against his EXISTENCE. "If men," says Hale, "conspire *the DEATH of the King*, and thereupon provide weapons, or send letters in the execution of it, this is an overt act within this statute." Undoubtedly it is—but mark the principle, and attend to Lord Hale's language, which is plainly this—If men conspire the DEATH of the King, and do these things in execution of the conspiracy, the things so done are legal evidences of the Treason:—But the Treason, which is the intention of the mind against the King's life, must first exist, before any step could be taken in pursuance of it.

Another passage in Lord Hale, upon which the whole argument against us appears in a manner to be built, is, in my mind, equally clear, and perfectly consistent with the letter of the statute.

"If men conspire to imprison the King BY FORCE AND A STRONG HAND, until he has yielded to certain demands, and for that purpose gather company, or write letters, that is an overt act to prove the compassing the King's death; for it is in effect to depose him of his Kingly Government, and was so adjudged by all the Judges in Lord Cobham's case."

Here, you observe, that the conspiracy, even to imprison the King, is not stated as a substantive act of Treason, indepen-

dently of a design against his LIFE, but only as an overt act to prove the compassing of his DEATH; and so far was Hale from considering that constructive attempts upon the King's *Government* or *Authority*, without direct force pointed against his *person*, could even be offered as evidence to support an indictment for compassing his death, that he seems anxious to prevent the reader from running to such a conclusion; for he immediately afterwards says, "But then this must be intended of a conspiracy *forcibly* to detain and imprison the King."

Gentlemen, I have only troubled you with these observations, to prevent any thing which has been offered, as evidence upon this trial, from being at all confounded in your minds, as connected with the charge.—We have indeed attempted nothing against the King's *Government*, but leaving that still to be the question, there is not a tittle in the whole body of the proof, which has any the remotest relation to any conspiracy to *seize* the King, or to *depose* him, which alone could support a charge of compassing the King's death; for the indictment itself does not point even to any conspiracy to depose the King directly by force against his person, but only constructively, through the medium of a subversion of the Government.

Gentlemen, the charge, therefore, which the Crown seeks to bring home to us, not only as it is to be collected from the indictment, but as it is explicitly pointed by the argument, is this—that a design was formed to call a Convention of the Nation, and that the prisoner at the bar was engaged in it; that he consulted with others for the appointment of Committees of co-operation and conference, consisting of the persons now in prison, who were delegated by the two great London Societies at the head of the conspiracy; and that the Convention, which was to be assembled as the result of this confederacy, was to destroy, by force, the legal Government of the Country, and to form itself into a Legislature for the nation: thereby superseding, not only the functions of the three branches of Parliament, but the executive authority of the Crown: That this, and this alone, was the secret object of all these Societies, though covered with popular pretexts of restoring the Constitution, until their machinations

chinations should be sufficiently ripe to throw off the veil, to avow their principles, and to establish them by force: that this, therefore, amounted to a conspiracy to depose the King, which was an overt act of High Treason for compassing his death.

Gentlemen, I am sure I have done justice to the Crown, in my statement of its proposition; and I will be equally just in my answer to it.—For I admit, that if the Attorney General satisfies you *upon the fact*, that this proposition is true, he gives you evidence from whence it ought to be left for your very serious judgment, Whether those who were engaged in a conspiracy to usurp the King's authority, might not be reasonably supposed to have also contemplated his destruction, which was so likely to follow from the annihilation of his office? I desire it may be remembered, that I have never disputed, either now or upon the former trial, that the destruction of the King's natural life is a probable consequence of a forcible coercion of his person, for the extinction of his authority; nor that an act done with deliberation, leading to a mainly probable consequence, is not good EVIDENCE of the intention to produce that consequence. My whole argument has only been, and still is, THAT THE INTENTION AGAINST THE KING'S LIFE IS THE CRIME, THAT ITS EXISTENCE IS MATTER OF FACT, AND NOT MATTER OF LAW, AND THAT IT MUST THEREFORE BE COLLECTED BY YOU THE JURY, INSTEAD OF BEING MADE THE ABSTRACT RESULT OF A LEGAL PROPOSITION, FROM ANY FACT WHICH DOES NOT DIRECTLY EMBRACE AND COMPREHEND THE INTENTION WHICH CONSTITUTES THE TREASON.

But, that this is the law of England, and the law immediately applicable to the present question, fortunately does not depend upon any argument of mine, nor upon any appeals I have made to the authoritative writings of the sages of the profession. I have a much better security for my purpose—the security that what his Lordship, who is to assist you in your deliberations, has said upon one occasion, he will say upon another; I have the express and direct authority of Lord Chief Justice Eyre, in that part of his charge to the Grand Jury, where he laid before them the

the very matter we are now engaged in for their consideration. " If," says his Lordship, " there be ground to consider the professed purpose of any of these associations, a Reform in Parliament, as mere colour, and as a pretext held out in order to cover deeper designs—designs against the whole Constitution and Government of the Country; the case of those embarked in such designs is that which I have already considered. Whether this be so, or not, is mere matter of fact; as to which I shall only remind you, that an inquiry into a charge of this nature, which undertakes to make out that the ostensible purpose is a mere veil, under which is concealed a traitorous conspiracy, requires cool and deliberate examination, and the most attentive consideration; and that the result should be perfectly clear and satisfactory. In the affairs of common life, no man is justified in imputing to another a meaning contrary to what he himself expresses, but upon the fullest evidence." This the learned Judge lays down with the greatest propriety as a general rule of evidence, applicable to all cases, and therefore most emphatically applicable to High Treason, where the prisoner is not to be criminated by conjectures, and inferences, or strains of wit, but proveably attainted according to the language of the statute. It must be remembered, too, that this sound and salutary doctrine was not delivered by the Court as an *abstract proposition*, but the application of it was *directly pointed to the occasion*, and given to the Grand Jury, as a standard to direct their judgments *in the very matter before us*. The cause, therefore, is brought beyond the power of evasion or controversy, to one short point, disentangled from all ambiguity or legal distinction; since, upon the express authority of the Court, which sits to try the prisoner, independently of all other authorities, it is a mere naked question of fact which you are to examine: there is nothing which can affect him legally, or which, it is even contended, can affect him, unless you are prepared to say, upon your oaths, in the presence of God and your Country, that you have materials in evidence before you, from whence you feel yourselves bound in conscience to pronounce, that the parties who engaged in the proposition of holding a Convention, did

NOT

not engage in it according to their professions to collect the public opinion, upon the subject of national abuses, and for the consideration of constitutional redress, but for the express, though concealed purpose of resisting, BY FORCE, the authority of Parliament. I repeat the expression of resisting, BY FORCE, the authority of Parliament, and assuming to themselves the controul and dominion of the Nation. THIS IS THE FACT TO BE MADE OUT, AND THE BURTHEN OF THE PROOF IS UPON THE CROWN. I do not stand here to disprove, but to examine what has been proved; and I confess myself, therefore, to be utterly at a loss how to pursue my discourse—for you have heard nothing upon which you would pull a feather out of a sparrow's wing; there is not only no evidence upon which reasonable men might deliberate between a verdict of guilty or not guilty, but, literally, NO EVIDENCE AT ALL; nothing that I could address myself to, but through the medium of ridicule, which, much as it would apply to the occasion in other respects, it would be indecent to indulge in upon a great State Trial, so deeply concerning the dignity of the Country, and so seriously affecting the unfortunate persons whom I shall be called upon hereafter to defend.

Let not, however, this condition of a prosecution, commenced under such exalted auspices, depend upon my single assertion, but let it be brought to the test of examination.

The Attorney General contends, that he has made out PROVEABLY, without the possibility of a reasonable doubt, that this Convention was projected for the detestable purpose charged by the indictment; and that their avowed objects were nothing but a surface of colour and deceit. He says, that two Societies were set on foot in this town, for these traitorous objects; that one of them (the Constitutional Society) was instituted by Mr. Tooke, and that he organized and superintended the other: that he prepared their resolutions; that he superintended their correspondence with similar Societies, which were established at Sheffield, Manchester, Birmingham, Edinburgh, Perth, and most of the populous towns in both parts of Great Britain; and that the whole body of their communications with one another,

manifested

manifested their design against the very being of the Government. This is the proposition—but has he proved it, or any part of it? I answer—he has not. In the first place, did Mr. Tooke set on foot the Constitutional Society? I answer again, he did not. It was instituted by a most worthy and honourable person, who will be called before you as a witness, if you shall not think your time mispent in hearing evidence where nothing has been proved: it was instituted by Major Cartwright, a man as much attached to the Constitution of his Country, and as enlightened to understand it, as any one who hears me, whatever may be his station. This assertion is not made from the instructions of a brief; I speak from my own knowledge of the man: Major Cartwright, who began that institution, continued to be a member of it during the progress of its proceedings arraigned before you; he is a member of it now; and he will tell you, that he shall continue to be one, notwithstanding this prosecution, until its objects are accomplished.

The Constitutional Society was instituted by this Gentleman, for the object which it has uniformly professed and adhered to—an object which it pursued in common with some of the greatest and wisest men which this Country has for ages produced; it was instituted to produce, if possible, by the progressive influence of public opinion, a Reform in the COMMONS HOUSE OF PARLIAMENT; a measure certainly not originated by Major Cartwright, but forced by the corruptions of Parliament itself, and the consequent calamities of our Country, upon the attention of every enlightened statesman during the present reign. The father of the present Minister uniformly and publicly imputed the calamities of Great Britain to this fatal source. The succession of destructive wars, without a national object; the rash and improvident expenditure of public money; the ravages upon the Constitution, by the influence of the Crown—were all of them placed by this great statesman to the loss of that controul in the people, over the proceedings of Parliament, which they were entitled to by the ancient principles of the Constitution. The great Earl of Chatham was one of the first persons who called the attention of the public to the absolute necessity

of a Reform in Parliament, to redeem the nation from ruin: It was the great feature of his life, and the foundation of his fame.

As the avowed objects of the Society were thus originated and countenanced by persons of the highest station, let us see whether it was instituted for the perversion of these principles by obscure and necessitous men. Gentlemen, the contrary is most notorious; and it may be established by referring to the names of the original members; the Duke of Richmond was one of the earliest; and he pushed the principle and the practice of Reformation very much farther than Mr. Tooke has ever been disposed to follow him: a fact which I promise to establish by the uniform tenour of his life. Mr. Tooke considered the disposition of the popular franchise of election as matter of expediency in Government, and to be moulded by Parliament in its discretion for the attainment of Constitutional Freedom; the Duke, on the other hand, considered Universal Suffrage to be an inherent privilege of the people—to be CLAIMED by them AS OF RIGHT, and not yielded to them as an indulgence. It is not to be wondered at, therefore, that his Grace's doctrines should acquire the ascendancy; since, independently of his illustrious patronage, they were more flattering, and better calculated for a rapid progress. I agree with the Duke of Richmond, that there exists in the people of England, as in every people, an inherent right to be governed according to the universal assent of the community. But I think that the people would judge weakly for themselves by desiring their representatives to carry forward to the Crown, for its ratification, the system of UNIVERSAL Suffrage. But while I say this, as Mr. Tooke's sentiments, and as my own, I confess, at the same time, that the arguments by which the Duke of Richmond supported his system, and which has been uniformly followed by all the other prisoners, were not calculated to impose upon the ignorant, but are well worthy of attention and consideration from the wise. The Duke's argument was of this sort (I do not profess to adopt the very phrase)—When it is conceded, says his Grace, that some Reform of Parliament is indispensably
necessary

necessary for the safety of the Country, who is to insure a Reform that will give general satisfaction, and produce obedience and stability. If you go to a given extent, founded upon principles of expediency, others, upon the same principles, will seek to push it to an extent still further, and others to an extent beyond that; so that Reformation, however pure the design of its author, instead of giving firmness and vigour to Government, would only be the parent of discontent. This was the difficulty which occurred to the Duke; and out of it he saw no road, as he himself expresses it, but a Reform upon principle, which grants nothing from expediency or favour, "BUT WHICH GIVES TO EVERY MAN HIS OWN." These were his Grace's doctrines, as I shall read them presently from the work which he acknowledged in the course of his former evidence, and which appears, throughout the whole cause, to have been the very scripture of all these Societies. These, I doubt not, are his Grace's opinions still; for though a man may change his sentiments in matters which depend upon policy and expediency—though he may think it prudent to grant at one time that which further reflection may suggest to be unwise to be granted, yet no honest man can change his mind as to the propriety of giving to every man what he believes and acknowledges to be his own. But the Duke of Richmond's opinions are not the question: it is sufficient to me, that when these opinions were published, and for a long time insisted on by this intelligent and illustrious person, no man living thought of imputing, or can now reasonably impute, to him, a design to overturn the Constitution, or to enervate its functions. Yet you are now called upon to devote to infamy and death the Gentleman whom I am defending, not indeed for treading in the Duke of Richmond's steps—not indeed for adopting the plan of Universal Suffrage, or for following it up by the same means which the Duke has recommended, but for shrinking to a plan far more restrained and moderate, and declining even to effect that system of moderation, by the procedure which the Duke both inculcated AND PRACTISED.

But it seems all these doctrines and proceedings are but colour and deceit, manifested by the discipline and regularity of their siege against the character and authority of Government. The conspirators sat, it seems, by *delegated authority*, from multitudes too large for consultation;—they did so, certainly; still pursuing the example, in form as well as in substance, of the highest men in the kingdom, amongst whom, by the by, are to be found many of the members of that Government which has levied this prosecution. I will prove to you (for I have now in Court some of the first and most honourable men in the Kingdom to prove it) that in the year 1780 the very same plan of delegation from large bodies was adopted; and for the identical object of correcting, by the formidable engine of public discountenance and censure, the improvident expenditure of public money, wrung from the people by corrupt influence in the House of Commons. I will prove that, for the express and avowed purpose of reforming the Government of the Kingdom, these honourable persons, who were never accused or suspected of Treason, sat in Convention in the Guildhall of the city of London; Delegates for different districts were appointed, some of whom are now in my eye; and you will find, in short, that no one step, in form or in substance, has been taken by the most unfortunate persons who are now the subjects of this prosecution, that were not taken, and, in my opinion, legally and constitutionally taken, by their superiors, whose examples they have followed. Let my expressions be properly understood; I stand upon a great theatre, and should be sorry to say any thing which I can have occasion to recal. Let it be recollected, that I am not defending *all the papers* which have been read; some of them are rash and absurd in the extreme; many of them are indecent; many of them clash with one another, which is not surprising, since they were written by persons of various descriptions, who had no communication with one another. But that is not the question—the question is, what were the objects of these societies, from the result of the whole evidence? These papers are *not* prosecuted as libels, but are charged

charged to have been written *with the intention* to promote a Convention to supersede and assume the Government: But will any honest man say, that he can collect from these writings, *taken in a mass*, and as indicative of the pursuits of their authors, any such intention or system: on the contrary, it is impossible to listen to them with common candour and attention, without observing, that the needle is not truer to the pole, though when it is disturbed and agitated it oscillates round the point of its attraction, than these poor people were to the promotion of Reform IN THE COMMONS HOUSE OF PARLIAMENT, by collecting the sense of the people on the subject; conscious that though Parliament, as the Duke of Richmond expresses it, would not spontaneously yield what those who sway it have a corrupt interest in refusing, yet that it might be obtained by that which must, and will in the end, obtain every thing from any Government, however constituted—by the slow, gradual, and progressive effect of public opinion. And I do maintain here, in my own person, that it is the privilege of Englishmen so to collect the opinion of the country; and that it is the duty of Parliament, nay, its very use and office in the State, to attend to, and to give effect to the opinions so collected. An eminent person, whose writings I have often had occasion to cite, expresses this sentiment with admirable justness and force—
 “ The virtue, spirit, and essence of the House of Commons,
 “ consists in its being the express image of the feelings of the
 “ nation. It was not instituted to be a controul UPON the
 “ people, as of late has been taught, by a doctrine of the most
 “ pernicious tendency, but was designed as a controul FOR the
 “ people. It was supposed originally to be *no part of the stand-*
 “ *ing Government of this Country*; but was considered as a
 “ *controul* upon it, issuing *immediately* from the great body of
 “ the people, and speedily to be resolved into the mass from
 “ whence it arose.”

To bring back the House of Commons to this genuine office and character, by fixing the public attention to its departure from it, is the obvious drift of all the proceedings of the Societies, as they are fairly to be collected from the evidence. Un-

doubtedly there are amongst the papers strong invectives against unbridled Monarchies, because they were written whilst Monarchs, having no law but their unbridled ambitions, were laying waste the liberties of the world; there are, I admit, strong censures upon those corruptions which have embarked this Country in a system (as they thought it) of tyranny and injustice; but there is nothing in them which touches the King of Great Britain's Majesty or Office, or the hereditary dignity of the Peers; there is nothing which glances at a wish to introduce a Republic into England: there is strong Democracy, indeed, but it is confined to its proper sphere—to the restoration of the House of Commons, which is the constitutional Democracy of England.

The House of Commons is perpetually talked of as if it were a self-existing body, independent of the people; whereas it is their mere agent; the organ by which they speak and act; and which betrays and abdicates its trust the moment that it assumes a language of its own, which the people does not auspicate and approve. Take away *such* a House of Commons from the British Government, remove the controul which the people have in it upon the executive authority by the free choice of their representatives, and then tell me how it differs from the most despotic establishments, which are the just detestation of the world? Yet how can it be asserted that the people of England have that controul, if they have not the free choice which bestows it. The Society of the Friends of the People, part of whose proceedings the Crown has thought fit to make evidence, and to speak of with respect, have placed upon the Journals of the House of Commons, and demonstrated by positive evidence, this fallen, humiliated condition of the Country. They offered to prove that Peers and the Treasury actually nominate ninety members, and procure, by influence, the return of seventy-seven more, making together one hundred and sixty-seven. That ninety-one individual Commoners in the Country, procure the election of one hundred and thirty-nine, and that one hundred and sixty-two individuals absolutely return three hundred and six members, a majority of the entire House of Commons.

Gentlemen, this is no vague assertion of mine—I am
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reading

reading the precise state of it, as it was offered by a regular motion in Parliament, which I had myself the honor to second; we offered to establish that one hundred and sixty-two persons did actually return three hundred and six out of five hundred and fifty-eight, which is a majority of the House. So that every thing that is to bind and ascertain your rights or mine; every measure that is to promote the glory, or to bring on the destruction of the Country; every act or system of Government, which is either to give us the continued prosperity of peace, or to afflict us with wasting and calamitous wars; every event that may render this mighty nation flourishing and happy to the latest posterity, or bend it down to the ignominious yoke of foreign or domestic enemies; all these heartstrings of a people, instead of depending upon a House of Commons, proceeding from themselves, are to be pulled and torn asunder, as the caprice or interest of one hundred and sixty-two individuals, who choose representatives for the whole kingdom, may suffer or direct. Yet we are told that it is the pride and glory of the English Government that by law we are equal, living under the same sanction, and enjoying similar privileges.

Gentlemen, all this was made manifest to the House of Commons by the honourable Gentleman who made the motion I allude to, and who held this language, which the meanest man in England can understand. We assert this to be the condition of England: if you say it is *not*—do justice to yourselves by calling upon us for the proof, and expose your calumniators to reproach—but if it *be* the condition of England, shall it not be redressed? Gentlemen, the proof was not received, and the grievance continues. This is the clue to the whole evidence.

I do not mean, therefore, to say, (and let it be understood that I have not said) that my clients would not be equally guilty, and equally subject to capital punishment, if, under the irritation of this or any other grievance, they had said—Let us supersede this surreptitious Parliament, and hold a Convention to assume its functions.—When I asserted that the people in this, and in every Country, had a right to change their Government, I never meant—what must have been supposed by the Court, from the

indulgent interruption I received—I never meant that each individual, choosing for himself, might rise in arms to overturn, by force, an established Constitution—Far from it, Gentlemen—I meant to say—what the people of England will be the last to misunderstand, as they were the first to practice—that all Governments stand upon the public will, and ought to endure only for the public benefit; and that when this sacred maxim is forgotten, or trampled upon, a nation, without the conspiracy of individuals, which criminal law can act upon, will, sooner or later, do itself justice. I meant further to say, that when I observe men referring to these great and original principles of Society—when I see them recurring, in argument to the deeds of freedom which their ancestors have achieved—when I see Englishmen particularly referring to the glorious æra of the Revolution, when their fathers drove from the inheritance of the Crown a race of Kings which had reigned over them almost time beyond memory, and sent for a private man (*to them at least*) to govern in their stead—when I contemplate this disposition, I am so far from considering it to be an attack on the King's authority, that, in my mind, it is a fresh confirmation of, and exultation in his title: his Majesty is the King of the people, upon the principle alone that the people can change their Kings; and it is the most glorious title which any Prince can enjoy. THESE ARE MY SENTIMENTS. I love the King, but I can have no other respect or affection for him than that which grows from the common relation of Prince and subject—But speaking of him who by the course of nature is to succeed him, and feeling much more than a common interest in his prosperity and glory, I hold the same language, and have ever, publicly and privately, held it. If he is not to inherit and to fill the Throne upon that best and most honourable title, his inheritance is not worth having, and is not long to be had. They who act upon any other principle, betray the King, and endanger his establishment. Say to the people of England, this is your Constitution—It is not fastened upon you as a weight to crush you—but has descended to you from your wise forefathers, for your protection and happiness—It is their institution, the work
of

of their wisdom, and their heroic valour—As they made it for themselves and their posterity, so you may change it for you and for yours.—BUT WILL YOU WANTONLY DESTROY YOUR INHERITANCE? Say this to them, and to use the expression of a celebrated speaker, in the case of America, “They will cling and “grapple to their Constitution, and no force under Heaven will “tear them from their allegiance to it.” Let those, then, who govern the Country, beware how they propagate the fashionable doctrines of corrupt power. Let them recollect that the English people are generous and enlightened, and know the value of their own institutions. Treat them with liberality, confidence, and justice, and nothing is to be feared. But if, on the other hand, a system of constraint and terror is to be pursued, and one part of the nation frightened or corrupted to defame the other, I tremble to think of, and dare not give utterance, in this place, to the consequences.

This was foreseen by the Duke of Richmond, and was the avowed and wise reason for his earnestness in the cause of Reform; and he so expresses it in his publication, which the whole proof has demonstrated to have been the cause and the model of all the proceedings before you:—Why then are their motives assumed or argued, against the whole evidence, to be different? I will read the passage.

“The lesser Reform has been attempted with every possible
“advantage in its favour; not only from the zealous support of
“the advocates for a more effectual one, but from the assistance
“of men of great weight, both in and out of power. But
“with all these temperaments and helps it has failed. Not one
“profelyte has been gained from corruption; nor has the least
“ray of hope been held out from any quarter, that the House
“of Commons was inclined to adopt any other mode of Re-
“form. The weight of corruption has crushed this more
“gentle, as it would have defeated any more efficacious plan,
“in the same circumstances. From that quarter, therefore, I
“have nothing to hope.” From what quarter was there nothing
to hope? From the House of Commons, which had been
tried, in which not one profelyte had been gained from corrup-
tion,

tion. What then was his resource? I shall give it you in his own words. "It is from the people at large that I expect any good. And I am convinced that the only way to make them feel that they are really concerned in the business, is to contend for their *full, clear and indisputable rights of Universal Representation.*" Rights that are repugnant and contradictory cannot exist. If there be a right in the people to Universal Suffrage, it is the Government which conspires against the people, and not the people against Government. But my client offers no such argument—he differs totally from the Duke of Richmond; and therefore, when his Grace comes here to give evidence, he ought not, upon the only principle which can justify these proceedings, to be permitted to retire; since he has written and done ten times more than can be imputed to the unhappy, miserable men who are now languishing in prison, for following much less than his example. His Grace, in the same paper, expresses himself further, in these remarkable words:—

"When the people are fairly and equally represented in Parliament, when they have annual opportunities of changing their deputies, and, through them, of controuling every abuse of Government in a safe, easy, and legal way, there can be no longer any reason for recurring to those ever dangerous, THOUGH SOMETIMES NECESSARY, EXPEDIENTS OF AN ARMED FORCE, WHICH NOTHING BUT A BAD GOVERNMENT CAN JUSTIFY. Such a magnanimous end to your proceedings, when, after having restored liberty, commerce, and free Government to your Country, you shall voluntarily retire to the noble character of private citizens, peaceably enjoying the blessings you have procured, will crown your labours with everlasting glory, and is worthy the genuine patriotic spirit which animates the Irish Volunteers." Let it not be forgotten, that this letter was addressed to Colonel Sherman, commanding a large armed force in Ireland, without commission from the Crown.

Gentlemen, it is amazing the different effect which the same writings have, according as the author happens to be cited when the work is read. If this letter, which coming from the pen

pen of the Duke of Richmond, is only a spirited remonstrance against corrupt Ministers, had been read in evidence by Mr Shelton, at the table, as the letter of Citizen Margarot, Skirving, or Yorke, the whole mass would instantly have been transmuted into High Treason against the King. But it seems that their objects were different—for that it is plain they had abandoned the Constitutional mode of petition, which was alone recommended in this letter.

Gentlemen, I maintain that this imputation is directly in the teeth of the whole body of the evidence. All the witnesses, both now, and upon the former trial, and the witnesses too for the Crown, prove the very reverse: they all say that they looked to success through the slow operation of reason; that they knew that the House of Commons would disregard, as it had often disregarded, the scattered petitions of small numbers; but that if they could collect the universal sense of the people upon the subject, the success of their object would be insured, and insured through the regular organs of Government. How else were the questions on the slave trade carried? Parliament had treated the measure, in its origin, with contempt; and I must say, that the arguments against its sudden or speedy abolition were so weighty, in my mind, that I could not give my assent to it; because I knew, from an acquaintance with the islands, that part of the evidence was erroneous and exaggerated; and because I thought the white population totally inadequate and insufficient to maintain the settlements established under the faith of the nation; but when at last the great voice of the people of England came to be collected together—when Parliament was surrounded, not with arms, but by petitions—I recollected that I was a representative of the people, and that my opinion ought to be controuled by the judgment of the nation. Many others, I believe, conducted themselves upon the same principle. The constituents of any given member have no right to controul his judgment, BUT THE VOICE OF THE PEOPLE OF ENGLAND, UPON ANY SUBJECT, OUGHT TO BE A RULE TO THE HOUSE OF COMMONS. These very petitions, upon the subject of the slave trade, were collected too in the very manner which
now

now gives such mighty offence; for they were managed by delegation, and committees of conference, and co-operation in every part of the kingdom.

Let us next examine what part of the offence, upon the principles it is contended to exist, applies peculiarly to the unfortunate prisoners, who have been selected for criminal justice; and if their guilt can be established, let us see how many are to be involved in it; for Mr. Attorney General is a person of too much wisdom and experience, to impute to the seven people in Newgate, the design to call a Parliament, without a wide spread combination. How then is the line to be drawn? And to what circumference is the empire of destruction to extend? If the evidence of the conspiracy is to be collected from the whole mass and tenor of the conduct of these Societies, and is to attach upon the prisoners, not from any specific act of their own, but principally because they belong to some one of them as members, it is plain that all who have at any time, or yet belong to them, are equally implicated in guilt, and equally subject to death under the law. How many tenants at the will of the Ministers are there upon this principle to hold their lives in Great Britain? All the hundred and eighty Delegates who met at Edinburgh, and all the thousands who sent them, are of that description; and thousands more in every populous town in this part of the Kingdom.

Let every man, therefore, be responsible for his own acts, and not for the writings and opinions of others, and more especially of others whom he never saw or heard of. When men co-operate for some PUBLIC object, which in common they agree in, it can never happen that they shall agree in *every thing* belonging to it; nor is a man's opinions ever to be taken, even by the result of the resolutions of those with whom he associates for an avowed object.—I shall exhibit to you a proof of this in one of the most enlightened men that England ever bred, and to whom she owes unparalleled obligations. I mean to call Mr. Fox, who will tell you that he was a Delegate for Westminster, in the year 1780, when a Convention was held to consider of the best means for obtaining a Reform in Parliament;
his

his opinions were always adverse to Universal Suffrage, yet, nevertheless, his name appears to the petition, which asked it of the House of Commons, being signed to it as chairman of the body; governed by its majority, and bound to give effect to its proceedings. In the same manner vicious men may mix themselves amongst the honest, with the ulterior design of establishing evil upon the basis of what is good: it ever must be so in all the transactions of the world, and parts of the evidence may lead to a suspicion, that it might be so in the present instance; but for that very reason a Jury ought to be the more abundantly cautious of the effect of foreign and irrelevant matter; and should examine into each man's guilt or innocence, by his own individual conduct.

Gentlemen, I have hitherto insisted upon the views of the Constitutional Society, as they are to be collected from its origin and its acts; and I am equally prepared to shew (indeed it most decisively appears already, by every thing which has been proved by the Crown) that the objects of the Corresponding Society were precisely similar; that they were avowed by their original institution, which they published to the world; and which, though published upwards of three years ago, and though ever since in most extensive circulation, were not by the Crown even considered as in any respect injurious or illegal. Yet now after having for all that time been transcribed into every newspaper, and sold publicly by every bookseller in the kingdom, without even a common information being put upon the file against any printer for a libel; they have been suddenly got together, not against their authors, but against a stranger to their very existence, and have furnished the elaborate commentary upon the statute of High Treason, which you have been obliged to listen to for so many days together.

Let us now examine this original institution of the Corresponding Society, and see whether in sobriety and fairness it furnishes the remarks which have been made upon it—

It is charged with the introduction of dangerous novelties—yet on the very front of it where they set out with describing their objects, they say—“Laying aside all pretensions to origi-

“nality,

"nality, we claim no other merit than that of *re-considering*
 " what has already been urged in our common cause, by the
 " Duke of Richmond, Mr. Pitt, and their then honest party
 " years back, and persevere in supporting with candour and
 " zeal, the banners of truth already displayed by them." Now
 I ask any person who will only consent to exercise the common
 candour of a gentleman (to say nothing of the scrupulous re-
 serve of criminal justice) whether it was possible for a Society,
 whose object was to persevere in the cause which Mr. Pitt, and
 the Duke of Richmond had originated and deserted, better or
 more distinctly—better or more distinctly to express it; the lan-
 guage is most precise and unambiguous. But it seems that it is
 all colour and deceit—It may be so—but they who assert that a
 man's meaning is the very reverse of his expressions, must prove
 that variance as a matter of FACT, by comparing his conduct
 with his declarations. Has any such proof been given in the
 instance before us? So far from it, that we are now upon the
 second trial, after the acquittal of Mr. Hardy, who stood before
 a Jury to answer for this very paper, of which he was the author,
 and to which his name was signed. The whole object of that trial
 was to shew this variance between the conduct of the Society,
 and this its original and public profession; with what success the
 late verdict has recorded: not a witness appeared for the Crown
 who did not prove the very reverse of the imputation; possessed
 of the most private papers of all whom rashness thought fit to
 suspect, not a scrap of writing was produced to establish any
 departure from the open avowed objects of their institution:
 yet, notwithstanding the acquittal of the avowed author and
 publisher of this paper, to the expressed satisfaction of the Court
 and Country, it is now read over again as evidence, and vehe-
 mently insisted upon with the very same arguments which had
 been before rejected, with this difference only, that instead of
 being urged as formerly against him who was accountable for
 its contents, they are now employed against a gentleman who
 does not appear from any proof to have been even acquainted
 with its existence; and who began, and had been pursuing *his*
 object (whatever it was) for years before the paper had a be-
 ing,

ing, which is used to decypher his intentions. How completely is the Lord Chief Justice's argument subverted, and torn to pieces by this procedure.—So far from sanctioning the principle, that men are not entitled to the benefits to be derived from a fair construction of their expressions, his Lordship told the Jury, that, in a case so highly penal, they were not even strictly to be bound by their literal interpretation: yet you are now gravely asked to condemn to death the gentleman at the bar, by taking the meaning to be directly the reverse of what language has established, although all the extrinsic evidence by which alone such a latitude of judgment could be endured, falls in with and supports the ordinary construction of the writing.

The logic by which this mode of judgment is established keeps pace in novelty with the proposition itself. "People may talk of their loyalty," says the Solicitor General, "and of their love for the Constitution, when nothing like it is in their hearts. Lord Lovat did so when he was plotting the destruction of his Country." Surely this observation is hardly worthy of so learned a man—Lord Lovat took up arms against the King; he was actually taken in open and banded rebellion; and, therefore, to be sure, any thing he might have said or written, upon the subject of his principles or intentions, could be of no avail: whatever he might have *said or written, his open deed, condemned HIM*. If a man holds a knife to my throat to destroy me, it is in vain for him to say he loves me.—But to give the case of Lord Lovat any bearing upon the present, you must first prove that our design was to arm; and I shall then admit the argument and the conclusion. But has any such proof been given upon the present trial? It has not been attempted—the abortive evidence of arms has been abandoned—even the solitary pike, that formerly glared rebellion from the corner of the Court, no longer makes its appearance; and the knives have retired to their ancient office of carving. Happy was it, indeed, for me, that they were ever produced, for so perfectly common were they throughout all England, and so notoriously in use for the most ordinary purposes, that the public justice and benevolence, shocked at the perversion of truth in the evidence concerning

cerning them, kept pouring them in upon me from all quarters. The box before me is half full of them, and if all other trades should fail me, I might set up a cutler's shop in consequence of this cause.

The next passage of the original institution, which the Solicitor General selected for observation, is precisely of the same sort. It is impossible to support his argument on it without confounding the whole structure of language—If, (say they,) we can once *regain* an Annual Parliament, to be fairly chosen by the people, they will then be **RESTORED** to their just share in the Government of their Country. The expression is, **REGAIN** Annual Parliaments—yet the charge is, that the Constitution was to be wholly subverted, and a new and different one established.—How is it possible to **REGAIN** that which was never before established?—How were they to *regain* that which they were themselves to *invent*, and to *create*?—How was that to be *restored* which *never before* had an existence.

Gentlemen, the next accusation against the Corresponding Society is so manifestly, and so glaringly unjust, that I feel I have a right to complain of its introduction.—Not of its introduction by my learned friends, who were bound to lay before the Jury, all the materials which the two Houses of Parliament, representing the nation, had adopted upon the subject; the Attorney General was undoubtedly bound in justice to the prisoner, as well as in deference to Parliament, not to garble the proceedings, but to submit the whole of them to your consideration. I have no complaint against *him*, or against *any of the honourable men who assist him*. So far from it, I have nothing more at heart, at this moment, than that the impression of my observations should reach beyond the Court, and affect **THE ATTORNEY GENERAL HIMSELF**, whose candour and integrity I know will be open to receive them. It was impossible he could know what he has learned from the evidence in the last cause, or what he is yet to learn from it in this.—And as I foresee that the most beneficial consequences may arise to others hereafter, from the subject being seen by my learned friend, in its true and genuine colours, I shall, whatever may be

be the labour to myself, proceed in the detection of the fallacies which have been heaped on one another, though many of them have little or no application to the defence I am now engaged in. My client, indeed, generously imposes this burthen. As he looked only to the general happiness, in the conduct which brings him a prisoner before you, without any possible view of advantage to himself, so he now looks anxiously round him with the same generous and independent spirit, and enfeebles, by expansion, the argument of his own innocence, that it may extend to protect the innocence of others, and to vindicate the freedom of his Country.

Gentlemen, the Accusation, which the House of Commons made part of its Report, and the Injustice of which I complain, is, that the Corresponding Society had no sooner been established than a Society at Norwich wrote to them to know the object of their institution; and that so conscious were they that their designs were different from their public professions, that, instead of at once appealing to their printed institution, to speak for itself upon the occasion, they wrote a dark, guarded, enigmatical letter, in order to conceal a purpose which could not with prudence or safety be revealed. I confess, I never in my life was so much surprized as at the impudence and falsehood of this assertion; for I maintain, that it is not possible for language to furnish an answer more explicit, nor one that in more direct terms did appeal to their public declarations for their designs. I will read to you the very words of the correspondence: the Norwich Society say—" Our principal design in writing is, that
 " we may have an opportunity of knowing more exactly what
 " may be thought the most eligible steps to be taken in carrying
 " on this great business of our associated brethren, and to have
 " an opportunity to ask such sort of questions as may be thought
 " very reasonable among the brethren; especially when we
 " think that publications are covered with a sort of obscurity
 " in it, as the Sheffield people's declaration, which seemed de-
 " termined to support the Duke of Richmond's plan only; but
 " since we find, in a printed letter received from them in a
 " book, that they mean to abide by some moderate Reform, as
 VOL. I. D d " may

“ may hereafter be brought forward by the Friends of the Peo-
 “ ple, which method is uncertain to us. Again, we find that
 “ the Friends of the People, and the Society for Constitutional
 “ Information do not exactly agree;—we could be glad to
 “ know the reason. It seems to me as though the difference
 “ was this—The Friends of the People mean only a partial
 “ Reform, because they leave out the words expressing the
 “ Duke of Richmond’s Plan, and talk only of a Reform; while
 “ the Manchester people seem to *intimate, by addressing Mr.*
 “ *Paine, as though they were intent upon Republican principles*
 “ *only.* Now, to come closer to the main question, it is only
 “ desired to know whether the generality of the Societies mean
 “ to rest satisfied with the Duke of Richmond’s plan only;
 “ OR WHETHER IT IS THEIR PRIVATE DESIGN
 “ TO RIP UP MONARCHY BY THE ROOTS, AND
 “ PLACE DEMOCRACY IN ITS STEAD.” This is
 the letter, the language of which has been so mightily relied
 upon, and which is printed in italics and capitals in the re-
 ports of both Houses of Parliament. But what, in the first
 place, have the Corresponding Society to do with the language
 of this letter; and how, in common decency or common sense,
 can it affect them? Is it to be endured that Treason shall be
 fastened upon me, because I am absurdly or impertinently asked
 whether my intentions be traitorous; unless my previous conduct
 or declarations have excited a reasonable suspicion, or unless the
 evidence of bad intention can be collected from MY ANSWER.
 If my answer, indeed, furnishes conclusion against me, that is
 quite another thing. Let us, therefore, examine that; for the
 QUESTION is no evidence at all but as it is introductory of the
 reply: yet, would you believe it, the answer is not even printed,
 that I can find, in the Reports; it is wholly suppressed; and is
 only introduced, by the candour of the Crown, in the conduct
 of the prosecution. The answer, which bears date the 26th of
 November, 1792, begins, as was natural, with recapitulating
 the questions put to them, nearly in the language of the letter
 itself; and then they say—“ And as to the object we have in
 “ view, we refer you to our Addressee, you will therein see
 “ we

" we mean to disseminate political knowledge, and thereby engage the judicious part of the nation to demand a *restoration* of their rights in ANNUAL PARLIAMENTS; the members of those Parliaments OWING *their election to the unbought, and even unbiassed, suffrage of every citizen in possession of his reason, and not incapacitated by crimes.*"—This is the answer of the Corresponding Society. And having set myself to rights with my learned friends at the bar, but meaning to extend my courtesy no further, because justice confines it to them, surely I have a right to ask whether it be consistent with the dignity or character of a great and august tribunal, to accuse persons capitally arrested, and before the season of their trial, with having shrunk from questions put to them for an exposition of their motives, although they were possessed of the answer I have just read to you, which refers the questions positively and unambiguously to their original address; which repeats the same legal objects, if possible, with additional precision; and which tells them that from these objects *so a second time delineated and expressed, they mean neither to deviate to the right or left, but to pursue them by all means consistent with the Law and Constitution of the Kingdom.*

The next observation which is made upon the language of their proceedings, is still of the same complexion, and turns round directly in their support.

The charge, you observe, is for conspiring to hold a Convention in England in the year 1794, to usurp the Government, and to depose and destroy the King. All the papers and letters which have been read, with earlier dates, having been only produced to convince you that the Convention was projected for that detestable purpose. To establish this from their own compositions, Mr. Solicitor General says, (he will give me leave to remind him of his expression) " Look to the language in which they themselves speak of the proceeding in agitation—Let us agree to hold ANOTHER British Convention—" " What could this mean," says my learned friend, *laying a strong emphasis upon the word ANOTHER*—" What could it possibly mean, but a resolution to hold *another Convention similar*

“ to that which had been held in North Britain, consisting of
 “ Delegates from the different Societies, and which had been
 “ before dispersed by the authority of the law?” I TAKE HIM
 AT HIS WORD—IT COULD HAVE NO OTHER MEANING.
 They most unquestionably intended a Convention, similar, in all
 respects, to the one at Edinburgh, which had been suddenly dis-
 solved; and consequently, upon his own principles, to make
 out a case of Treason against the prisoners who projected this
 ENGLISH Convention, he must shew that the assembling the
 Convention at *Edinburgh* was an act of High Treason in all
 who were engaged in it. To establish, upon his own princi-
 ples, of their designs being similar, that the English Convention
 was projected with the view of assuming and exercising all
 the functions of Parliament, he is inevitably bound to shew
 that the Convention at Edinburgh, of which it was a type,
 did actually assume and exercise them. Has he established
 either of these proofs? Has he shewn, by evidence, that the
 hundred and eighty persons who, as Delegates from the different
 Societies in Scotland, assembled at Edinburgh under the name
 of a Convention, *did in fact* assemble to supersede the Parlia-
 ment of the Kingdom, and were guilty of the crime of High
 Treason? Has he shewn (which, to maintain his argument, he
 is bound to do) that all those, who sent them for that purpose,
 were implicated in the same guilt? If he has, he has struck at
 the lives of thousands and ten thousands of his Majesty’s most
 affectionate subjects in North Britain, who were members of
 those Societies. Has he proved distinctly that this Edinburgh
 Convention *did actually assume to itself all, or any, of the func-*
tions of Government, which he says would have been assumed
 here, by the meeting in agitation, had it not been nipped in the
 bud by the arrest of the prisoners, the seizure of their papers,
 and the institution of this solemn proceeding.

The Solicitor General having himself made this the question,
 as, indeed, he could not avoid it, let us examine what has been
 proved upon the subject. And in entering upon this duty, it
 really fills me with horror to think that the lives of men—
 What do I say—OF MEN!—That the lives of ENGLISHMEN
 should

should depend upon the successful resolution of such a chaos of matter as is spread before me, in which every faculty of the mind is bewildered and confounded; that they should not only have their own writings to explain, and their own transactions to answer for, but that there should be heaped upon their heads every thing that has been said, written, or transacted, for years together, in every corner of the Kingdom, by persons with whom they not only never acted, but whose names or existences they never heard of. If the criminal law of England countenances such a proceeding, how is the subject to contend with any prosecution which the Crown chuses to institute?—Where is the man capable of assisting him upon such a trial?—What purse is equal to the expence of witnesses?—and where is the tribunal equal, in body and in mind, to its decision?

In the first place, however, and before I proceed to explore the proceedings of the Edinburgh Convention, in the best way I can, through the maze of materials before us, let me ask, as a preliminary question, *what the honourable gentleman, whom I represent, had to do with them? Supposing all its transactions had been Treason, how is he affected by them?* It has been assumed, that Mr. Tooke was an active promoter of the Scotch Convention, because his name stands entered in the books of the Constitutional Society as present when the sending of a Delegate to Edinburgh was under deliberation. Good God! Gentlemen, how gross is this conclusion, and how pernicious is the principle which concludes it. This entry would not be evidence in an action for ten pounds; yet what would not do upon a charge for killing a hare or a partridge, is to be used as evidence to destroy the life of an English subject, and with it the law and Constitution of the Kingdom. The Society has been considered as a Corporation; its books have been laid upon the table as authoritative acts, binding upon all its members; and the pen of the Secretary of a club is to conclude upon a fact which is to affect life. The real truth is (*and it ought to be a solemn warning to Courts of Justice not to depart from the strict rules of evidence*) Mr. Tooke was NOT PRESENT when the proposition for sending a Delegate to Edinburgh was made;

neither did the proposition, when made, on that day receive the concurrence or approbation of the Society, but, on the contrary, was objected to by the majority; not because they thought it criminal, but because they believed it to be useless. The further discussion of the subject was, therefore, postponed from the 25th to the 28th of October, when a special extraordinary meeting was appointed, and Mr. John Williams, the mover of the proposition, was sent to Wimbledon to request Mr. Tooke to attend and support it; but it appears by Mr. Adams's evidence that he absolutely refused to come, and treated the proposal as frivolous and impertinent, insomuch that he was considered as a man bribed and pensioned to betray the cause of Parliamentary Reform, by withholding his support to a legal and well-meant proposition in favour of the proceedings in Scotland. Yet this gentleman, greatly advanced in years, and declining in his health, who was shut up *at this time, and long before*, within the compass of his house and garden at Wimbledon, where he used to wish an Act of Parliament might confine him for life, who was painfully bestowing a greater portion of his time to the advancement of learning than the rudest health could with safety bring to it—who was intensely devoted to researches which will hereafter astonish, and will not be soon forgotten by the world—who was, *at that very moment*, engaged in a work such as the labour of man never before undertook, nor perhaps his ingenuity ever accomplished—who had laid out near an hundred pounds only in packs of cards, to elude by artifice and contrivance the frailty of memory and the shortness of life, otherwise insufficient for the magnitude of his pursuit—who never saw the Constitutional Society but in the courtesy of a few short moments, after dining with some of its most respectable members; and who *positively objected* to the very measure which is the whole foundation of the prosecution, is, nevertheless, gravely considered to be the master-string, which was continually pulling and directing all the inferior movements of a conspiracy as extensive as the island, the planner of a revolution in the Government, and the active head of an armed rebellion against its authority. Gentlemen, is this a proposition

to be submitted to the judgment of honest and enlightened men, upon a trial of life and death. Why, there is nothing in the Arabian Nights Entertainments, or in the Tales of the Fairies, which is not dull matter of fact compared with it. But the truth is, as it stands already upon Mr. Adams's evidence, that so little was the energy of the Society upon the subject, that, at the general, adjourned, and *extraordinary*, meeting, which was to decide upon this great question, which Mr. Tooke thought so small a one, but upon which the fate of Great Britain is considered here as having depended, only seven people gave their attendance; and, although Mr Yorke was chosen Delegate to give countenance to the cause, and to former resolutions, yet there were obstacles to the completion of his mission, because the *ways and means* could not be provided for his support.

It appears also, by Mr. Adams's evidence, that the Constitutional Society, which, for the purposes of this proceeding, has been represented as a sanguinary and widely extended conspiracy, consisted only of a few gentlemen, who wished well to the cause of constitutional Reform, which they were too honest to abandon, but too insignificant in wealth, or numbers, efficaciously to support. In order, therefore, to prevent themselves from being laughed out of a very honourable purpose, and to prevent the honest and independent part of the public from giving up the cause of Reform, from the despair of countenance and support, they published in their resolutions thousands of papers which they never printed, and expended large sums which they never had.—I might, therefore, wholly decline all consideration of the Scotch Convention, as impertinent and irrelevant, and if I was my own master I would do so; but the honourable gentleman, who has a right to direct my conduct, with a generosity which must endear him to every body, even in this very moment, when he sees me preparing to measure my discourse by the exigency of his own particular defence, insists upon my meeting the Solicitor General upon the major proposition of his argument; I could maintain, says my client, interrupting his own Counsel, in his own defence, I could maintain that I am not criminal (you have already, indeed, amply maintained it); but *that is not enough*

when the lives of others, and the privileges of my Country, are embarked in the controversy ; I call upon you, therefore, Mr. Erskine, to maintain, *that there is no criminality*—I desire that the acts of others, through whose sides I am vainly sought to be wounded, in order that the reverberating stroke may pierce them the deeper, may be vindicated and explained.—In obedience to the task-master, then, let us see what this Convention did.——

One of their first declarations, and which is preposterously relied on to prove their usurpation of the powers of Government, is in these words—

“ Resolved, That this Convention, considering the calamitous consequences of any act of the Legislature”—ACT OF THE LEGISLATURE ! Why, according to these Gentlemen, they were THEMSELVES THE LEGISLATURE, for the Legislature was gone, if their argument be founded, the moment the Convention sat. “ Resolved, That this Convention, considering the “ calamitous consequences of any act of the Legislature, which “ may tend to deprive the whole, or any part of the people, of “ their undoubted right to meet by themselves, or their delegates, to discuss any matter relative to their rights, whether “ of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of Society, and also subversive OF THE KNOWN AND ACKNOWLEDGED CONSTITUTIONAL LIBERTIES OF ENGLISHMEN.” Gentlemen, I must pause here, though in the very middle of a sentence, because every limb and member of one furnishes a decisive refutation of the charge. Here are men accused of having assumed the supreme authority, and as the subverters of English law, who are yet peaceably claiming, under the banners of the law, the indisputable privileges of subjects to discuss the rights which that law bestows. They then say, and here it seems lies the Treason—“ We do therefore declare, before God “ and our Country, that we shall pay no regard to any act “ which shall militate against THE CONSTITUTION OF OUR “ COUNTRY.” But, according to the other side of the table, the Constitution of the Country was at an end, and all its powers assumed

assumed by this Convention, although, in the very proceeding which they thus most unaccountably select for commentary, they bow obedience to all acts *consistent with the Constitution*, and only refuse it to such as, in their minds, militated against the first principles of the English Government, which they were determined to support, instead of being banded to overturn. But, in what manner, and to what extent, did they project a resistance to acts militating against their rights? Did they meditate, by force, the destruction of Parliament which infringed them? Listen to the conclusion of this declaration, upon which so much has been said, and then tell me whether this body can, with common decency or justice, be charged as in a state of rebellion. "*We will continue to assemble to consider the best means by which we can accomplish a real Representation of the People, and Annual Parliaments, until compelled to desist by superior force.*" What is this but saying, that they will, for an honest end, abide the penalties of an unjust law, rather than escape from them by its observance.—Mr. Justice Blackstone truly says, that there is nothing even immoral in such disobedience—for that, if there were—prohibitory and penal regulations would be snares to the conscience of the subject. The fact is, there never had been a law in England, nor was there any then in existence to prohibit the measures they were engaged in. An act which had just been passed in Ireland had, for the first time, declared such proceedings to be a misdemeanor, though without an act we are now treating them as High Treason, and the introduction of a similar bill into the English Parliament being the common report, they resolved not to sanction its unconstitutional principle, much less before the law existed, by a *voluntary* obedience, but to wait its regular enforcement by the Magistrates.—This is not only the obvious meaning of the resolution itself, but it is established beyond a doubt, by their subsequent conduct, as it appears by the letter of Margarot, the Delegate of the Corresponding Society, who, giving an account of their dispersion by the Magistrates, as I shall presently read it to you, expresses himself to this effect—If, says he, we had desisted without the exertion of superior force, it would have been surrendering our rights, and the privileges
of

of others; but, when called upon by superior force, *i. e.* By the authority of the Magistrate, the submission could not be considered as an acknowledgement of transgression on our parts. The dissolution of this Parliament (as it is gravely stiled) is described, by Margarot's letter, to have been effected thus:—

“ Two messengers came again into our room with Gerald; they
 “ left a summons to appear at ten o'clock: with Margarot they left
 “ nothing but a request to accompany Gerald to the office, yet,
 “ when arrived there, he found that a warrant was issued against
 “ him, for the purpose of detaining him a prisoner. On Thursday
 “ the whole Convention were equally ill used: the Provost went,
 “ and after pulling Matthew Campbell Brown, of Sheffield, out of
 “ the Chair, ordered the Convention to disperse, and told them, he
 “ would allow no such meetings in future. The next day, the
 “ Convention having agreed to meet at another place out of the
 “ jurisdiction of the Provost, we had not long been assembled,
 “ before the Sheriff appeared amongst us, and having asked
 “ whether the meeting was the British Convention, and being
 “ answered in the affirmative, ordered us to depart. He asked
 “ who was President—upon which Margarot, having openly
 “ asked and obtained leave from the Convention, placed him-
 “ self in the chair, and told the Sheriff he would not break up
 “ the meeting, *unless unconstitutionally forced thereto, by the Sher-*
 “ *riff's pulling him out of the chair,* which the latter, after some
 “ hesitation, complied with. The Ex-President, Gerald, was
 “ then put into the chair, in order to be pulled out by the Sher-
 “ riff also, which being done, the meeting was then closed with
 “ prayer, and the company departed peaceably.” Now, does
 the whole history of human folly furnish any thing so extrava-
 gantly absurd and ridiculous, as to consider this as the suppression
 of an extensive and armed rebellion, and as a sort of counter-
 revolution in Great Britain?

Upon the trial of a solemn and important cause, upon which
 not only the lives of innocent men are depending, but the ex-
 istence of the laws themselves under which we live, I am afraid
 to run into observations which are ludicrous; but such is the pre-
 posterous nature of this whole business, that it is impossible to

avoid it. In reading the minutes of this Convention, as the regular proceedings of a Parliament, holding at once the sword and purse of the kingdom, we have frequently encountered with matter which, whether we would or no, has convulsed us with laughter in the midst of the awful duty we are engaged in. In the minutes of the fifth day, the 21st of November, 1793, we find the Deputy Secretary informing the Convention that he had last night received fifteen shillings from six visitors, which was ordered to be paid to Mr. Skirving, with three shillings more already collected; and, on the day following, we have Mr. Margarot moving (I suppose in the Committee of Ways and Means) that a general collection should be made, which being consented to, and Mr. Callendar and Mr. Scott being appointed collectors, these gentlemen made their report instant:—

	£.	s.	d.
That there had been drawn	-	-	-
But of which there being two bad shillings, the balance was	-	-	-
	4	5	8
	4	3	8

To which a person, of the name of Moore, added a shilling. Yet this assembly of poor unarmed people, collecting sixpences to pay for their room and their advertisements, who were dispersed by a common Justice of the Peace, with less bustle than a watchman puts an end to a brawling in the corner of a street every night throughout the year, are now considered as having intended to assume to themselves, and indeed, for a season, to have exercised all the functions of this great Country, protected as it is by a vast standing army, by a national militia, consisting of all the gentlemen of England, whose landed interests depend upon the stability of the Government, and by the great body of opulent merchants and monied men, whose fortunes are vested, of course, in the public funds, and thereby their possessions and the hopes of their families entwined with the very bowels of the State.

There is another point of view from whence, if we examine this proceeding, it must appear, if possible, still more extraordinary.

dinary. I admit that, in consequence of the dispersion which they considered to be illegal, a great many inflammatory papers were written; and that it was thought advisable, upon the whole, to subject the principal persons, engaged in this Convention, to a legal prosecution. But how were they prosecuted? and by that very Government which has instituted the present proceedings? Were they prosecuted for High Treason? No. Was the charge of Treason ever thought of, or connected with their names? I ANSWER, NEVER. Although they were not met together, like Mr. Hardy and the other unfortunate prisoners, to consider how they *should in future* hold a Convention, but were taken, *flagrante delicto*, in the very act of holding one, and of holding precisely such a one as the prisoners are charged with having only projected; THEY WERE ONLY ACCUSED OF A MISDEMEANOR. I repeat the expression, they were only prosecuted for a misdemeanor, *although taken in the act of holding precisely such a Convention as the prisoners only projected*. For I again refer to the Solicitor General, whether he did not *twice* assert, and his learned co-adjutor *more than twice*, that the conspiracy charged upon the record was to hold a Convention similar to that which had been held and put down in Scotland. I assert also that Government had the same materials in its hands for conviction which it has at this hour—they had spies in every corner. “There was not a man but in his house they had a servant see’d.” And the minutes of the Convention, which have been read at your table as evidence of High Treason, were seized by the Provost and Sheriff of Edinburgh, in 1793, and read as evidence against Margarot and Gerald, when prosecuted only for libels in the Justiciary Court.

What shall we say, then, of a Government which lays a snare for innocent blood, by giving to an act the character of a misdemeanor, waiting for future victims when it should be exalted to the denomination of Rebellion and Treason. Gentlemen, I make no such charge upon Government—I acquit them of all schemes upon the subject, good or evil—I believe that the fit of alarm came very suddenly, and very lately upon them; and

and that they do not know, even now, upon what principle they are here, or what they have to hope from their proceedings.

The magistrates of Edinburgh having brought the leaders of the Convention before the Court of Justiciary, they were convicted of misdemeanors; but these judgments instead of producing the effect that was expected from them, produced (as ever happens from perverted authority) great irritation and discontent. They were, in my mind, and in what is far more important, in some of the greatest minds in this Country, **ILLEGAL PROCEEDINGS**. And although I do not mean, in this place, to make any attack upon magistrates in the execution of their duty—

Lord Chief Justice Eyre. It should not be stated here that they were illegal.

Mr. Erskine. I did not say they were illegal—I said, *that in my opinion they were so, and that they were questioned in Parliament as such.* It is not my purpose to give offence to his Lordship, who has given us an indulgent and attentive hearing through the whole course of this cause; but it is material to state, because it accounts for some of the writings in evidence, that the opinion and conduct of the Scotch Judges *were questionable*; that they were actually questioned in Parliament; (**AS THEY MAY YET HEREAFTER BE QUESTIONED**) and were pronounced by the greatest men, in both Houses of Parliament, to have been harsh, unconstitutional, and illegal. Smarting, therefore, under the lash of these sentences, which they considered to be unjust, and believing that their colleagues had done nothing more than the law authorized, and their consciences suggested, they came to an intemperate resolution concerning the Scotch Judges, which, though so strongly relied on, can certainly have no sort of application to the cause, since if they had knocked on the head the Lord Justice Clerk, and all his brethren, whilst presiding in their Court, instead of contenting themselves with libelling them, it would not have been High Treason within the statute of Edward the Third. This mighty bugbear of a resolution is in these words. I am not afraid to meet it.

“ Re-

“ Resolved, That law ceases to be an object of obedience
“ whenever it becomes an instrument of oppression.”

This is a mere abstract proposition, to which I would subscribe my own name, at any time.

“ Resolved, That we call to mind, with the deepest satisfaction, the fate of the infamous Jefferies, once Lord Chief Justice of England, who, at the æra of the glorious Revolution, for the many iniquitous sentences he had passed, was torn to pieces by a brave and injured people.”

“ Resolved, That those who imitate his example, deserve his fate.”

Gentlemen, if the application of this maxim was meant to be made to the recent proceedings of the Scotch Judges, it may be a libel upon *their* persons and authorities for any thing I know or care. I see nothing that is either criminal or indecent. In my mind, on the contrary, the promulgation of such awful and useful reflections, should not be left to the irregular, and often misapplied, promulgation of private men; but should be promulgated as solemn festivals, by the authority of the State itself. There ought, in my opinion, to be public anniversaries of the detestable, as well as of the illustrious actions of mankind, in order that, by the influence of negative, as well as of positive example, the greatest possible hold may be taken of the grand ruling passion of our nature, and the surest indication of its immortality—the passion of living in the minds of others, beyond the period of our frail and transitory existence. By such an institution, public men would every moment be impelled forward in the path of their duty, by the perspective immortal rewards of an approving posterity. And, what is still more important, and far more applicable to my, present purpose, wicked men, clothed with human authority over their fellow creatures, would be deterred by the same means from the abuse of them; because, in the very moment when they were about to barter away the life of innocence, or the public justice of their Country, for some miserable advance of ambition in the decline of a transitory life, they might, perhaps, start back from the temptation, appalled by the awful view of future ages rising up before the
ima-

Imagination, sitting in judgment upon their characters, and pro-claiming them with indignation to the universe.

But how, after all, do these resolutions (whatever praise or blame may belong to them) apply to the matter in hand? For Mr. Tooke positively refused to sanction them. Though Chairman of the meeting, he would not remain in the chair when they were passed; and I will call, if you think it material, the very person who took his place whilst they were passing. Yet, nevertheless, they are brought forward against him, and insisted upon with the same arguments as if he had been their author. Gentlemen, this is intolerable. The whole history of human injustice can produce nothing like it. The principle seems to be that all the libels written by any man in the world who, at any time, has supported a Reform in Parliament, whatever may be the subject of them, and however clashing with one another in design or opinion, may be drawn into the vortex, and pointed to convict of High Treason Mr. John Horne Tooke. By reading these contradictory performances as the evidence of his designs, they make him one day a Reformer of the House of Commons, the next a rank Republican, the third well affected to our mixed Constitution, and the fourth relapsing into a Republican again. In this manner, by reading just what they please, and insisting upon their own construction of what they read, the honourable gentleman is made to oscillate like a pendulum, from side to side, in the vibrations of opinion, without pursuing any fixed or rational course; although I will shew you that, of all men in the world, he has been the most uniform, firm, and inflexible in his political course.

The next paper which they read is hardly, I think, at all connected with the important subject of the trial, being a mere squib upon the present just and necessary war. It is a resolution of the Constitutional Society of the 24th of January, to which Mr. Tooke was privy, in which it was resolved—"That an excellent address of the Corresponding Society should be inserted in their books. And that the King's speech to his Parliament be inserted under it, in order that they may both be always ready for the perpetual reference of the members of this Society"

“ciety during the continuance of the present unfortunate war—
 “and that in *perpetuam rei memoriam*, they may be printed in
 “one sheet at the happy conclusion of it, which happy con-
 “clusion, according to the present prosperous appearances, we
 “hope and believe not to be many months distant.”

Gentlemen, surely it is not Treason to believe that which Ministers are daily holding forth—surely it is not Treason to expect and believe upon the authority of Parliament, that the war we are engaged in will soon be brought to a prosperous issue. Would the people of this Country have been so composed, in a conjuncture which for calamity has no parallel in the history of Great-Britain, but for these constant declarations of the King’s Ministers, which Mr. Tooke is only accused of having believed? Were we not told (*I am not entering upon political controversy, but defending my client*)—But were we not told daily that the war would be brought to a speedy and happy termination? And can it be criminal in a subject to give faith to the acts and declarations of Government? But supposing it, on the other hand, to be only irony upon Administration, and a ridicule of their proceedings, which may be thought the best construction. Is a man’s life to depend in this Country upon his admiration or support of any particular set of Ministers? I care not a straw what you, the Jury, who are to decide upon my client’s conduct may think upon these topics, or upon the Ministers of the day.—I rely upon your judgments as honest men, impressed with a sense of religion, who know the sanctity of the oath you have taken, and the duty which it imposes, and I only introduce these subjects, not because I think them relevant, but because they have been thought so by the Crown who read these papers to condemn us.

But it is the conclusion of this resolution, I believe, which gives the offence, where, upon motion, the words “faithful and “honourable,” which stood applied to the Parliament, were expunged, and the words “his, and his only,” inserted in their stead.—What then—this is no denial of the fidelity of the King to his Parliament, but is an insinuation, on the contrary, that the Parliament was unfaithful to the King. If it can be con-

sidered, therefore, in the serious light of a libel upon *any* authority, it is a defamation of *the House of Commons*. But we are not brought here to answer for a libel upon that Assembly, we are accused of a conspiracy to cut off the King—and in order to prove it, they give in evidence an idle squib against the House of Commons, for not faithfully serving him; so that if the paper were deserving of any consideration one way or the other, it makes quite against the purpose for which it is used—unless it is meant to be contended, that the King and the House of Commons are one and the same thing.

Another matter equally irrelevant has been also introduced, very fortunately, however, for the honourable gentleman at your bar, because it affords a signal instance of his generosity and nobleness of mind. I speak of his letter promoting a subscription for Mr. Sinclair, who had been convicted in Scotland for acting as a Delegate at the Convention.

Although Mr. Tooke not only never sent him as Delegate, but strenuously objected to his delegation; though he *so* uniformly opposed the whole measure which led to his conviction and punishment, as to lead to the question of his own sincerity in the minds of some who supported it; although the consequence of the sentence could not have pulled a hair out of his head, but led, on the contrary, to confirm the prudence and propriety of his conduct; yet, in the hour of Mr. Sinclair's distress, he was the first man to step forward to support him, and to take upon himself the public odium of protecting him, though he had privately discountenanced every act which could give the sufferer any claim to his countenance or support. I am perfectly sure that my worthy friend the Attorney General is too honourable a man to make a single observation on this genuine act of disinterested benevolence.—But I am not the less obliged to Mr. Gibbs for not suffering me to omit in its place, a matter which redounds so highly to the honour of the gentleman we are defending.

It is the same spirit that dictated the other part of the letter which regards Mr. Pitt. Filled with indignation that an innocent man should be devoted to a prison for treading in the very

steps which had conducted that Minister to his present situation; he says, (I have mislaid the letter, but can nearly remember the expression) That if ever that man should be brought to his trial for his desertion of the cause of Parliamentary Reform, "for which Mr. Sinclair was to suffer, he hoped the Country would not consent to send him to Botany Bay."

Gentlemen, I have but one remark to make upon this part of the letter, Mr. Tooke is not indicted for compassing and imagining the death of Mr. Pitt.

Gentlemen, we come at last to the very point of the charge, viz. the conspiracy to hold the Convention in England, and the means employed for that purpose. And it is a most striking circumstance, a circumstance in my mind absolutely conclusive of the present trial, (unless you mean to reverse the former verdict, which none of you will, and which all of you certainly cannot,) that Mr. Hardy, who has already been acquitted, was the very *first* and *single* mover of the proposition to hold this Convention—and that all the subsequent steps taken in the accomplishment of it, down to the day when the prisoners were sent to the Tower, were taken not only with his privity, but through his direct agency; and that every letter and paper which has been read upon the subject, bears the signature of his name, many of them being also of his own composition. If the Convention, therefore, was originated for the detestable purpose charged by this indictment, Mr. Hardy, who has been acquitted, was the original, and the principal traitor; whatever was known, HE certainly knew; whatever was done upon it, HE not only did, but actually led the way to the doing of by *others*.—If there was a conspiracy, HE was manifestly the principal conspirator.

This is no assertion or argument of mine—it was avowed by the Crown which now prosecutes Mr. Tooke—and Mr. Hardy was therefore *first*, and most properly, selected for trial; because the object of the one we are now engaged in, and of every other that can succeed to it, are only to apply by remote implication and collateral circumstances, the very acts which were directly brought home to Mr. Hardy, who stands acquitted by his

Country,

Country, nay which were without controversy admitted by his Counsel. The Court said, in summing up the evidence in the former trial, that it had been but feebly argued that Mr. Hardy was not implicated in a great part of the evidence.

Gentlemen, this was but a cautious and indulgent mode of statement by the Court, lest admissions might be supposed to have been made by us which Counsel ought not to make, for certainly we neither did, nor could attempt to deny that Mr. Hardy was cognizant of, and active in every transaction which regarded the British Convention, the very Treason charged upon the record. The Attorney General, therefore, is reduced to this dilemma, either to contest the justice of the former verdict which acquitted Hardy, or to surrender the present prosecution. That this is the true position of the cause, will appear incontestably from the proofs.

The origin of the Convention appears to have been this:—Mr. Hardy, who has already been acquitted by his Country, having received a letter, which has been read to you, from a country correspondent, stating that as the Edinburgh Convention had been improperly and illegally dispersed, it would be proper to hold another. He laid the proposal before the Corresponding Society, who adopted it upon the 27th of March, 1794, and transmitted a copy of their resolution upon the subject to the Constitutional Society for their approbation. Mr. Hardy, therefore, was not merely active as Secretary in the progress of the Convention, but was, *in his own person*, the first mover and proposer of it; and it is impossible that the Jury could have honourably acquitted him upon any other principle than their total and absolute disbelief that the measure was pursued for the detestable purposes imputed by this indictment.

Gentlemen, the best way to support that judgment, and to bring you to the same conclusion, is to examine the proceedings, and to let them speak for themselves.

The Corresponding Society, upon Mr. Hardy's proposition, having on the 27th of March, 1794, adopted a resolution which they transmitted to the Constitutional Society for approbation, that Society met the next day, the 28th of March, to consider

it; the resolution was sent in the form of a letter from Mr. Hardy himself, in these words:

" I am directed by the London Corresponding Society to transmit the following resolutions to the Society for Constitutional Information, and to request the sentiments of that Society respecting the important measures which the present juncture of affairs seems to require. The London Corresponding Society conceives that the moment is arrived when a full and explicit declaration is necessary from all the friends of freedom, whether the late **ILLEGAL** and unheard of prosecutions and sentences, shall determine us to abandon our **CAUSE.**"

To pause here a little—Does not this incontestibly shew that their **CAUSE** (with whatever irregularity it might have been pursued,) was no other than the cause of Parliamentary Reform; is it not demonstration that they considered the persons convicted in Scotland as wrongfully convicted? It is not in human nature, it is beyond the flight of human impudence or folly, that men under a government of law, should publicly declaim against prosecutions as illegal, tyrannical, and unheard of, if they had either themselves considered them, or if they had been held by others to have been the regular proceedings against traitors arrested in rebellion against their Country. Construing, therefore, this part of the letter, as common charity and common sense must concur in the construction, and as the former Jury construed it; it is no more than this—they say to the Constitutional Society, As we are in the progress of an honest cause; as we are pursuing a legal purpose by legal means, which others have adopted before us; shall we abandon it, terrified by the unrighteous judgments of another country, or shall we unite and persevere in its support, confiding that whatever may be the condition of Scotland, there is no law here in England which can condemn us, nor any Judges who can be interested in its perversion; let us concur, therefore, in the necessity of another Convention, as the only legal and constitutional means of redressing the grievances which oppress us, and which can

only be effectually redressed by a full and free representation of the people of Great Britain.

The crime, therefore, imputed to the Constitutional Society is only this, that addressed in this manner by the Corresponding Society *so describing its objects*, it assented to the appointment of a Committee of their Society, to meet a Committee appointed by the other, to consider of the proper steps to be taken for the accomplishment of the object so described.

This is the whole that can be charged upon this Society; for there is no evidence whatever, even of any of its members being acquainted with the design of considering of a Convention, until it came to them in the shape of a letter from Mr. Hardy, who has been acquitted; all the antecedent part being absolutely, and entirely his own. This proposition, indeed, was so far from coming to the Constitutional Society as the members of a secret conspiracy, that it was made in the most public manner to other Societies, with whom they notoriously were not connected; it was made to the Society of the Friends of the People, of which I have the honour to be a member, whose principles and conduct have been spoken of with respect throughout these proceedings: when we received their proposal we were as well acquainted with all the antecedent proceedings of the Societies, as the evidence makes us acquainted with them now; and we still flatter ourselves that we were as capable of understanding the meaning of what was addressed to ourselves, as those who since then have assumed to themselves the office of decyphers; yet, with all this knowledge, we returned an affectionate answer to these bloody conspirators; we wrote to them, that we heartily concurred with them in the objects they had in view, but differed from them in the expediency and prudence of the means by which they had proposed to give them effect; we, therefore, understood their object in the same light with the Constitutional Society, viz. The Reform in the House of Commons only, and the difference between us is reduced to a difference in judgment, as to the *means* for producing an end which in common was approved.

Gentlemen, the Constitutional Society having agreed, as I have just now stated to you, to appoint some of their members to confer with others appointed by the Corresponding Society, upon the subject of the resolution of the 27th of March, understood by them, as I have explained it to you; we are brought, by the evidence, to the consideration of that overt act upon the record which charges these Committees, so appointed, with the crime of High Treason, in these words—"That with force
 "and arms they did traitorously consent and agree, that Jeremiah Joyce, John Augustus Bonney, John Horne Tooke,
 "Thomas Wardle, Matthew Moore, John Thelwall, John
 "Baxter, Richard Hodgson, John Lovet, William Sharpe,
 "and one John Pearson, should confer and meet, and co-operate together, for, and towards the calling and assembling such
 "Convention, for the traitorous purposes aforesaid:" i. e. as it is agreed on all hands for subverting the Government, and deposing and destroying the King. Here another dilemma inevitably encloses the Crown; because this charge of conferring together towards the calling a Convention, which was to be held for these traitorous purposes, cannot possibly be urged against these eleven persons appointed to confer together concerning it, unless the major proposition can first be established that such a traitorous Convention was originally in the contemplation of those who appointed them. For these eleven persons are not charged as having originated the Convention, but each prisoner in his turn, is charged with having consented and agreed, that those persons should confer together upon the means to give effect to a Treason already hatched and contemplated, which inevitably throws them back upon Mr. Hardy, who has been acquitted; for how, in the name of common sense, can their guilt be consistent with his innocence. I say, this is a dilemma, because there is no road out of this absurdity, but by running into another; since to confine the guilt to the prisoners who co-operated together, in exclusion of those who appointed them to do so; it must be assumed that they were, *bona fide*, appointed to confer towards calling a meeting, which had for its real and honest

honest object, a Reform in Parliament: but that they were no sooner appointed than, without the consent of those who had deputed them, they confederated to change the purpose of the deputation, and conspired amongst their eleven selves to form a Parliament, for ruling, by force of arms, over this mighty kingdom.

Now, I appeal to you, Gentlemen, whether there ever was a proposition so utterly out of the whole course of human affairs, as that six men of one very numerous Society, and five out of another equally numerous, unanimously appointed to confer upon any given object, no matter what, should be taken without a shadow of evidence, to have in an instant departed from the trust reposed in them, and to have set on foot a secret plan which they durst not communicate, even to their principals and co-conspirators, and which, with or without communication, was wholly visionary and impracticable.

Gentlemen, I know that my learned friends are incapable of publicly maintaining so preposterous a proposition; I admit that they never did maintain it, and I only state it to give them the choice of the alternative: because either these eleven persons are only guilty from having changed the purpose of a deputation originally not traitorous, a thing admitted to be absurd and irrational, or else *all* who deputed them were traitors also; the conclusion is inevitable; for it is impossible to say, that the Societies, who deputed them, did not know their own motives, and their own objects; and the supposition is further absolutely excluded by the evidence; because the Committees, so appointed, were to do nothing of themselves, but were to report to the Society at large, the result of their deliberations; and reports from them were accordingly actually read at the Society, in the presence of many respectable members now at large, and whose names have not been even mentioned as suspected in the course of these proceedings.

It is, therefore, impossible to impute guilt to the prisoners selected for punishment, without extending it to a compass to which no man will be hardy enough to say, it shall or can be

extended: how many persons upon such a scale would be principals in Treason, or guilty of a misprision of it? Every man who attended the various Societies throughout the kingdom, or who knew, by belonging to them, that a Convention was on foot:—to say nothing of the extravagance of such a wide imputation of disloyalty and rebellion, what can be more dangerous impolicy than to invite foreign nations to believe, whilst attempts are making from abroad to destroy our Constitution, that the people of England are already ripe for a revolt.

But there are inconsistencies, if possible, still more glaring to be encountered with, in maintaining the charge against the prisoners selected for trial, than even in this wide extension of it to others; for if any of the few persons (*being only twelve in number*) be guilty of this Treason, they must ALL be guilty; it is quite in vain to think of distinguishing or separating them; yet *some* of them are not even accused, and *others* are judicially separated from accusation; Mr. Sharpe, the engraver, though one of the Committee, was examined for the Crown, but not examined as an accomplice: and the bill was thrown out by the Grand Jury, against Mr. Lovett, another of them, whom I am, therefore, entitled to consider as an innocent man who ought not even to have been accused, and who will tell you upon his oath (for I shall call him as a witness) that there was not a syllable passed at these meetings, which the King upon his throne might not have heard; that neither his name, nor office were mentioned with irreverence; and Lovett, speaking for himself, and for his own motives, will further solemnly tell you, that in his honest conscience he believed, that from the consequences of a timely Reform in the House of Commons, to which all their deliberations were singly directed, the King's title would be more firm, his person more secure, his Crown more illustrious, and its inheritance in his line more certain, than by seeking their support from the continuation of abuses which had so recently overturned a throne, which, propt as it was by armies, and the bigotry of the people, seemed destined to endure for many generations, but which, nevertheless, undermined

mined by its own corruptions, suddenly crumbled into dust, and shook, or more properly shakes at this moment, the whole habitable world with its fall.

That Mr. Richter, another of the Committee, and now in Newgate, meant nothing more than the Reform in the House of Commons, I will prove to you, by Mr. Rous, one of the most respectable men in our profession, and whose honour and veracity are above all question. He will tell you, that he saw him after the Friends of the People had refused to concur in sending Delegates to the proposed Convention, when Richter assured him, that in the plan they had adopted they had acted for the best, but that they were desirous to act cordially with the Friends of the People, in whatever they thought the most conducive to promote the Constitutional object they were engaged in; I believe, indeed, that the mass of these Societies thought with many, many others, of which class I profess myself to be one, though I differ with them in the means, that nothing can so certainly tend to support the throne as a Reform in the Commons House of Parliament.—Whether you think with them or me, on this subject, is of no consequence—it is enough if you believe that *they thought so, and honestly acted upon their opinions*; opinions which at all events were entertained and acted upon by many illustrious persons now present, some of whom I will call as the willing, and others as the unwilling witnesses to the fact.

But as the quality of their acts is best to be ascertained by the acts themselves, let us examine what the Committees did, and what was done by the Societies who supported them.

On the 11th of April, they made their report in these words:

“Resolved, That it appears to this Committee very desirable that a general meeting or Convention of the Friends of Liberty should be called.”—For what? To depose the King? To subvert the Government? NO. But in the concluding words of the resolution, “For the purpose of taking into consideration *the proper means of obtaining a full and fair representation of the People in Parliament.*” This resolution, *after some objection to the word Convention*, was adopted. Now, I desire distinctly to know why

this

this resolution is to be perverted from its ordinary meaning, any more than many similar resolutions in other times? The Lord Chief Justice, in the former trial, said, in so many words, that it must be conceded to these Societies, and to the prisoner Hardy, that they set out originally upon the Duke of Richmond's plan:—If this be so, it is for the Crown to establish *at what period, and by whom*, this system was abandoned, and what is the evidence of the abandonment.—Does the Attorney General mean to say, that it is High Treason for a number of persons collected together, to make a delegation to a smaller number from amongst themselves for any purposes, legal or illegal? He will certainly not say that.—So that in whatever view the matter for deliberation is examined, the question still returns, and must for ever return to its only legal centre, viz. **THE OBJECT THEY HAD IN VIEW** in this delegation; and that examination cannot rationally take place but either by looking at the acts themselves, and judging of them as they present themselves to view, or else, by shewing from extrinsic evidence, that they are not what they appear upon the surface, but are directed to concealed and wicked objects.

With regard to the first, it has been conceded from the beginning, even by the Court (as I have just observed in its charge to the Grand Jury) that their **AVOWED** object was a Constitutional Reform; and as to the last, I call aloud upon those who ask you to pronounce, that a forcible subversion of the Government was intended, to confess that the very idea of such a charge was disavowed and reprobated, even by the very witnesses they brought forward to establish it.

Upon the first trial they called a great number, who, without a single exception, one after another, positively swore that hostility to the Government, or an attack upon it by force, never entered into their contemplation; and Mr. Gibbs, as I am informed, in my absence to-day, established the same truth by cross-examination of the Sheffield witnesses, who, with one assent, as I see from a note now before me, all declared they had been insulted and abused, which was the origin of the few pikes manufactured for their defence; and the Attorney General
appears

appears to have been so well satisfied, that the whole evidence concerning arms was a beggarly account of empty boxes, unfit for a second introduction in so momentous a cause, that he gave up the whole of it, and we have heard not a syllable of that which assumed so grave an aspect when Hardy lately stood in judgment before you; nor has even Franklow himself, and the Loyal Lambeth Association made their appearance.—In my opinion it was sound discretion to abandon that parol evidence: to have called people who literally knew nothing of the Societies, would have been to expose weakness; to have again called honest witnesses, who knew any thing, would have been to prove too much, because the falsehood of the imputation would again have been manifested; and to have attempted it a second time by spies and informers, would only have been uselessly bringing up their raggamuffins to be peppered: a conduct which sinks a cause in the opinion even of Jefferies himself, who, when Serjeant Jeffries, upon the trial of Lord Russell, said to the Jury—“*Remember we bring no ignominious persons here, we have not raked the gaols for evidence, we have brought before you no scandalous SPIES AND INFORMERS, but men worthy of credit.*”

To say the truth, Gentlemen, their parol testimony being thus subtracted, there has been brought forward, in this cause, no evidence either creditable or scandalous; for, with the exceptions of a few papers not worth a farthing, I will undertake to collect from the Coffee-houses of London, a compleat fac simile of the Report of both Houses of Parliament, which has consumed so many days in reading, and for no part of which, as I have noticed formerly, any author, printer, or publisher has ever been called to account.

We have now reached the finale of the business—the great catastrophe—and it is awful to examine upon what small pivots the fate of nations depends, and to contemplate the miraculous escape of our Country.

The two Committees agreed to meet on Mondays, and Thursdays, in Beaufort Buildings, and no time was to be lost; for Hessians and Hanoverians were upon them,

When

When the 14th of April came, which should have been their first meeting, there was no meeting at all, but a great multitude of people, of different descriptions, assembled at Chalk Farm. My learned friends, I see, are taking notes on this subject; but let them recollect, that Lovett, whose case has been before the accusing Jury, and who stands wholly discharged from guilt or suspicion, was Chairman of this meeting, and, at the same time, a member of the Committees of Conference and Co-operation; yet now when the leader himself is exculpated, and not exposed even to the hazard and inconvenience of a trial, he is to be hung to-day round the neck of the gentleman at your bar, who never was at Chalk Farm in his life; who never heard of the meeting, nor of the existence of the place it was held at, till he read it in the newspapers, as we all did, and who never saw Mr. Lovett till he met him in the Tower, when he was pointed out to him as one of the persons with whom he had long been engaged in a conspiracy. Thank God these experiments are not only harmless but useful—they serve as a clue when the contrivance is more plausible.

The next Thursday, after the meeting at Chalk Farm, was the 17th of April. Now attend to the proceedings of these conspirators, pressed to a moment in point of time, and whose schemes were ripe for execution: not one of them came. The 24th of April was the third Thursday, when the Committee from the Corresponding Society attended, but, not being met by the other, there was, of course, no conference. On the 28th of April, full three weeks after their original appointment, they at last assembled; and, after having conferred concerning the news of the day, and co-operated in taking snuff out of one another's boxes, they retired to their homes without uttering a syllable concerning the King or his Parliament. These important transactions were repeated on the 5th of May; and on Monday, May the 12th, although no *other* meeting had then been held, and though these proceedings, as I have stated them to you, had been fully investigated before the Privy Council; though the Societies were constituted for purposes perfectly notorious, and long unopposed; though all their meetings had been publicly
ad-

advertised, and their correspondence as open as the day, Mr. Hardy was suddenly arrested; dragged out of his bed in the night; torn from the arms of an affectionate wife, who fell a sacrifice to terror and affright, although he can *now* tell you, upon an oath accredited by his full and honourable acquittal, that he had not a conception in his mind, even after he was in the custody of the law, that High Treason, or any other crime that verged towards disloyalty or rebellion, was to be imputed to him.

Gentlemen, the alarm which seized upon Government at this period seems to have invested the most frivolous circumstances with mystery and design against the State, of which we have had a notable instance, in a letter written by Mr. Joyce to Mr. Tooke, on the day Hardy was arrested, which, being intercepted, was packed up into the green box there, and reserved as evidence of a plot. The letter runs thus—"Hardy and Adams were taken " up this morning by a King's Messenger, and all their books " and papers seized;" and then following a long dash, " CAN " YOU BE READY BY THURSDAY." This letter, Gentlemen, is another lesson of caution against vague suspicions; the Red Book was not a list of persons to be saved, in opposition to the Black Book, of those to be sacrificed. But Mr. Tooke having undertaken to collect, from the Court-Kalendar, a list of the titles, offices, and pensions bestowed BY MR. PITT UPON MR. PITT, HIS RELATIONS, FRIENDS, AND DEPENDENTS; and being too correct to come out with a work, of that magnitude and extent, upon a short notice, had fixed no time for it, which induced Mr. Joyce, who was impatient for its publication, to ask if he could be ready with it by Thursday.

Another curious circumstance, of similar importance, occurred about the same time, which I marvel has not appeared in evidence before you. I will tell you the story, which is so stamped with the wit which distinguishes my client, that it will speak for itself without proof: A spy came, one night, into the Society to see what he could collect, when there happened to be present a Mr. Gay, a man of large fortune, and a great traveller (the gen-

gentleman I speak of is a member of the Friends of the People introduced by my friend Mr. Tierney, now in my eye). This Mr. Gay, in the course of his travels, had found a stone inscribed by Mr. Stuart, another great traveller, as the end of the world; but resolving to push on further, and to shew his contempt of the bounded views of former discoveries, wrote upon it, "This is the beginning of the world," treating it as the ground from which he meant to start upon his tour. The plan being introduced for consideration whilst Mr. Gay was present, Mr. Tooke said, "Look ye, gentlemen, there is a person in the room disposed to go to GREATER LENGTHS than any of us would choose to follow him." This allusion to the intrepid traveller was picked up by the spy, as evidence of a plot; and if I had the rummaging of the green boxes, I would undertake to find the information amongst the papers.

Gentlemen, in tracing, as I have done, the proceedings of the Societies towards holding this Convention, I have continued to follow the instructions of my client, in totally losing sight of his defence, in order to keep danger at a distance from others; for, I have now only to remind you, since the fact has appeared already, that the prisoner took no share whatsoever in any of these proceedings. He considered them, indeed, to be legal, but, in his enlightened judgment, not convenient, not likely to be attended with advantage to the object; and, therefore, when the resolution of appointing a Committee was adopted, and his name was proposed as a member, he objected to it; declared he would not attend, nor have any thing whatever to do with it. You may ask, perhaps, why, after that refusal, he suffered his name to stand upon the Committee? and why he did not withdraw himself wholly from the Society? In answer to that, he has told you much better than I can, as he can, indeed, tell you any thing much better, that as he considered the proposition not to be criminal or illegal, he did not feel himself at liberty to abandon a laudable pursuit by breaking up or dividing the Society, for mere difference of opinion with respect to the mode of obtaining it. This conduct was manly and honourable, and it by no means stands upon Mr. Tooke's assertion: the fact, and
a most

a most important one it is, rests upon evidence, and not upon *our* evidence (for our season of giving it is not yet arrived), but upon the evidence *relied on by the Crown for the establishment of guilt*; and which therefore must be wholly adopted, or wholly rejected.

It will appear further, and more distinctly, that Mr. Tooke persisted in his resolution; that he was a total stranger to their proceedings; that the Committee of Correspondence, of which he objected to be a member, never met; and that the only reason why his name stands as a member of the Committee of Correspondence, which he not only did not assent to, but the formation of which he never knew, was, that it was resolved, in his absence, that the Committee which had before been appointed to *confer*, should also be a Committee to *co-operate*; and of so little account was this same Committee, that Mr. Adams, when examined for the Crown (though Secretary of the Society), declared, upon his oath, that he never had heard of it until he read it out of the book, as a witness in the Court.

It is evident, therefore, that the great substantive leading overt-act in the indictment, viz. the conspiracy to hold a Convention to subvert the Government, to which all the other charges are undoubtedly subservient, is not only not brought home to the honourable gentleman at the bar, but appears to be without foundation altogether; and it is equally evident, by the conduct of the Crown, that *they* think so; for, if they had proved their charge by the evidence of the facts which belonged to it, their task was finished; and all matter, collateral or foreign, would not only have been irrelevant, but injurious to the prosecution; but, conscious that the traitorous intention could neither be legally nor rationally collected from any one fact appertaining to the subject in agitation, they have heaped matter upon matter on his head, from various quarters, totally disconnected with the charge, and with one another, in order that these transactions, though singly neither Treason, nor any other crime, might, when tacked together, amount to whatever might be found necessary to destroy him. In this manner that unfortunate statesman, Lord Strafford, was sacrificed; but the

shameful violation of the law of England, which alone could have supported his condemnation, has ever been spoken of with detestation by every lawyer, of whatever party, who has lived since his trial. And what is the next evidence of its turpitude and illegality, has been considered as a blot in the page of English history, by historians of all parties and opinions. Mr. David Hume, a man not to be named as a compiler of mere facts, but as a profound politician and philosopher, speaks of it in the manner which I will read to you, notwithstanding his leaning to high and arbitrary principles of Government. In his sixth volume, page 431, speaking of Lord Strafford's attainder, he says, "As this species of Treason, *discovered* by the Commons," (the Commons have also the merit of discovering this) "is entirely new and unknown to the laws; so is the species of proof by which they pretend to fix that guilt upon the prisoner. They have invented a kind of *accumulative* or *constructive* evidence, by which many actions, either totally innocent in themselves, or criminal in a much inferior degree, shall, when united, amount to Treason, and subject the person to the highest penalties inflicted by the law. A hasty and unguarded word, a rash and passionate action, assisted by the malevolent fancy of the accuser, and tortured by doubtful constructions, is transmuted into the deepest guilt; and the lives and fortunes of the whole nation, no longer protected by justice, are subjected to arbitrary will and pleasure."

Gentlemen, it may be said that the shameful case I have cited is not like the present. Certainly it is not—For the unguarded words which the historian reprobates the enhancing into Treason, were the unguarded words of Lord Strafford himself; the rash writings, were *his* writings; and the passionate actions were *his own*. But what is accumulated and lifted up into Treason against the prisoner to-day, are the unguarded words, the rash writings, and the passionate actions of *others*; of some with whom he differed; of many whom he never saw; and mostly of those to whose very existence he was a stranger.

Gentlemen, I have no fears for my client; but in what language shall I speak of this dreadful principle for the benefit of my

my Country. I will speak of it in the language of the innocent victim to them. In the eloquent words of Lord Strafford himself upon his trial.

"Where has this species of guilt lain so long concealed" said Strafford in conclusion: "Where has this fire been so long buried, during so many centuries, that no smoke should appear till it burst out at once, to consume me and my children? Better it were to live under no law at all, and, by the maxims of cautious prudence, to conform ourselves, the best we can, to the arbitrary will of a master; than fancy we have a law on which we can rely, and find at last, that this law shall inflict a punishment precedent to the promulgation, and try us by maxims unheard of till the very moment of the prosecution. If I sail on the Thames, and split my vessel on an anchor; in case there be no buoy to give warning, the party shall pay me damages: but if the anchor be marked out, then is the striking on it at my own peril. Where is the mark set upon this crime? Where the token by which I should discover it? It has lain concealed, under water; and no human prudence, no human innocence, could save me from the destruction with which I am at present threatened.

"It is now full two hundred and forty years since Treasons were defined; and so long has it been since any man was touched to this extent, upon this crime, before myself. We have lived, my Lords, happily to ourselves at home: we have lived gloriously abroad to the world: let us be content with what our fathers have left us: let not our ambition carry us to be more learned than they were, in these killing and destructive arts. Great wisdom it will be in your Lordships, and just providence for yourselves, for your posterities, for the whole kingdom, to cast from you, into the fire, these bloody and mysterious volumes of arbitrary and constructive Treasons, as the primitive christians did their books of curious arts, and betake yourselves to the plain letter of the statute, which tells you where the crime is, and points out to you the path by which you may avoid it.

"Let us not, to our own destruction, awake those sleeping lions,

“ by rattling up a company of old records, which have lain for
 “ so many ages by the wall, forgotten and neglected. To all
 “ my afflictions, add not this, my Lords, the most severe of
 “ any; that I, for my other sins, not for my Treasons, be the
 “ means of introducing a precedent so pernicious to the laws
 “ and liberties of my native Country.

“ However, these gentlemen at the bar say they speak for the
 “ commonwealth; and they believe so: yet, under favour, it is
 “ I who, in this particular, speak for the commonwealth. Pre-
 “ cedents, like those which are endeavoured to be established
 “ against me, must draw along such inconveniences and misfe-
 “ ries, that, in a few years, the kingdom will be in the condi-
 “ tion expressed in a statute of Henry IV. and no man shall know
 “ by what rule to govern his words and actions.”

Proud, as I am, of being a subject of this Country, my duty
 compels me to remind you, that all this splendour of truth and
 eloquence, were unavailing before an abandoned tribunal, which
 had superseded all the rules of law, and the sober restraints of
 justice, and which could listen unmoved to even these concluding
 words: “ My Lords, I have troubled your Lordships a great
 “ deal longer than I should have done. Were it not for the in-
 “ terest of these pledges, which a saint in Heaven left me, I
 “ should be loth”—Here, says the historian, he pointed to his
 children, and his weeping stopped him—And if I were to attempt
 to proceed further in this melancholy page, my tears would stop
 me also.

But let us look to what followed from these proceedings;—
 they were condemned and reversed, and stand recorded as a
 beacon to future generations. The act recites, “ That the tur-
 “ bulent party seeing no hopes to effect their unjust designs by
 “ ordinary way or method of proceedings, did at last resolve to
 “ attempt the destruction and attainder of the said Earl, by an
 “ Act of Parliament to be therefore purposely made to condemn
 “ him upon accumulative Treason. None of the pretended crimes
 “ being Treason apart, and so could not be IN THE WHOLE, if
 “ they had been proved, as they were not. Therefore it is en-
 “ acted, that all records and proceedings relating to the said
 “ at-

" tainder be wholly cancelled, and taken off the file, to the intent that the same may not be visible in after ages, or brought into example, to the prejudice of any person whatsoever."

A similar fate attended the attainders of Lord Russell and Sydney, and will, sooner or later, attend every flagrantly unjust judgment, whilst England preserves her free Constitution. And, therefore, notwithstanding the ridiculous figure too frequently made by modern prophets, whose prophetic writings remain unfulfilled after the period of their fulfilment, I will hazard this public prediction—That long, long before one half of the audience which fills these benches, shall, by the course of nature, be called from the world, these very judgments in Scotland, which, more than any thing else, have produced the present trial, will be stigmatized, repealed, and, with indignation reversed; not by violence, or in irregular Convention, but in the ordinary legal forms of a British Parliament.

The Attorney General will perhaps say, that the collateral facts are not established in order to be accumulated into guilt, as in the case of Lord Strafford; that he disavows (which I admit, to his honour, he most distinctly did) all accumulations and constructive Treasons, but that he establishes them to manifest the intention which led to the transaction charged upon the record.—Be it so provided, they *do* lead distinctly to that manifestation. But let us shortly examine them, and then, if the rules of the Court would permit me, I would not only ask of you twelve men, but of every man, aye, and of every woman within the reach of my voice, whether they would kill a fly upon them; yet you are asked to devote to destruction upon them the honourable gentleman who now stands before you.

The collateral facts, as my memory serves me to recollect them, and from whence the traitorous intention is to be inferred, are, that Mr. Tooke contributed to the circulation of the works of Thomas Paine, containing gross matter against the Monarchy of the Country; that he consented to send a congratulatory address to the Convention of France; that he was privy to the approbation of Mr. Joel Barlow, who had delivered this congratulation at Paris; and lastly, that he had himself written a letter

to the President of the Convention, offering to subscribe 4000 livres towards carrying on the war then existing between the states of Europe and France, even though part of it, in the event, should happen to be applied when this Country should be involved in the same contest.

Gentlemen, though I feel myself very much exhausted, I have strength enough left just to touch upon these matters in their order.

With regard to the first, I am surprised that the history of Mr. Paine's writings, and the approbation they met with, as connected with the new Constitution of France, are so very little understood; and it is necessary to understand it, to account for the assent and encouragement which many persons, attached to the free Constitution of Great Britain, were *forced* to bestow upon many parts of a work, though written undoubtedly by an author who was an enemy to its principles.

Gentlemen, it happened that when France threw off the galling yoke of arbitrary Monarchy, which had been attended with such infinite evils to herself, and which had produced so many calamities to Great Britain, a very general exultation pervaded this Country: and surely it was a natural theme of exultation to the inhabitants of a country which had given light and freedom for ages to the world, to see so large a portion of the human race suddenly emancipated from a bondage not only ignominious to France but dangerous to this Island. They recollected the desolating wars which her ambition had lighted up, and the expensive burthens which our resistance to them had entailed upon us; they felt also, in the terrible disasters of France, a just pride in the wisdom of our forefathers, and a wholesome lesson to the present age and posterity not to degenerate from their example. They saw France falling a victim to the continuation and multiplication of those abuses in Government, which our wise progenitors had perpetually mitigated, by temperate and salutary reformations; and they saw, therefore, nothing to fear from the contagion of her disorders: her arbitrary state, her superstitious church, had undergone no alterations; and for want of those repairs which the edifices of civil life equally require with material structures, they crumbled suddenly

denly into dust; whereas, by the fortunate coincidence of accident, as much as by the exertions of wisdom and virtue, *our* condition had been slowly and progressively meliorated; our civil power had been tempered and moderated, and our religion purified and reformed; the condition of civil life had changed and bettered under their influence, and the Country had started up even amidst revolution with superior security and illustration.

Gentlemen, these reflections were not merely the silent, but the avowed expressions of some of the first persons in England, on the first burst of the French Revolution; and, I verily believe, the same sensations diffused themselves widely throughout the Kingdom.

Very unfortunately, Gentlemen, for France, for England, for Europe, and for humanity, this sensation, the natural result of freedom and independence, was not universally felt; very unfortunately the powers of Europe would not yield to an independent nation the common right of judging for itself in its own concerns, nor in prudence leave to it the good and evil of its own Government. All Europe combined against France, and levied war against her infant Constitution. The despots of the earth, with whom the King of Great Britain had no common interest, trembling for their own rotten institutions, and looking to the wrongs and sufferings of their subjects, drew the sword (as was natural for despotism to draw it) to dispute the right of a people to change their ancient institutions. This very combination, naturally assimilated with the patriotism of France the public spirit of England, since our own Revolution was supported upon no other foundation than the principle which was not only denied, but was by violence to be exterminated; and many persons, therefore, notoriously attached to the British Government, expressed their reprobation of this conspiracy against the freedom of the world.

This honest and harmless enthusiasm, however, met with a very sudden, and in its consequences an unfortunate check. A gentleman, of the first talents for writing in the world, composed a book, I am bound to believe with an honourable mind, but a book which produced a more universal, and more mis-

chievous effect, than any which perhaps our own or any other times have produced.

When Mr. Burke's book upon the French Revolution was first published, at which period our Government had taken no active part against it, no man assimilated the changes of France to the condition of our country—no man talked of, or figured in his imagination, a Revolution in England, which had already had her Revolution, and had obtained the freedom which France was then struggling to obtain. Did it follow, because men rejoiced that France had asserted her liberty, that they thought liberty could exist in no other form than that which France had chosen? Did it follow, because men, living under the Government of this free Country, condemned and reprobated the dangerous precedent of suffering the liberty of any nation to be overborne by foreign force—did it follow from thence that they were resolved to change for the accidental and untried condition of France the ancient and tried Constitution of our own Country? I feel within myself that I can rejoice, as I do rejoice, in the liberty of France, without meaning to surrender my own, which, though protected by other forms, and growing out of far more fortunate conjunctures, stands upon the same basis, of the right of a people to change their Government and be free. Can any man in England deny this? Yes, Gentlemen, Mr. Burke has denied it; and that denial was the origin of Mr. Paine's Book. Mr. Burke denied **POSITIVELY AND IN TERMS** that France had any right to change her own Government, and even took up the cudgels for all the despots of Europe, who, at the very time, were levying a barbarous, scandalous, and oppressive war, to maintain the same proposition by the sword.

This work, brought forward again after a long silence, Mr. THOMAS PAINE, who was indeed a Republican beyond all question, but who had become so in consequence of the same corrupt and scandalous attempt to beat down by force the liberties of a nation; he became a Republican in consequence of the similar and lamentable contest between Great Britain and America; and it is rather a curious circumstance, that **THIS VERY MR. BURKE**, who considers Mr. Paine as a man not to be rea-

soned with, but only to be answered by criminal justice, and who condemns as a traitor every man who attempts to name him, HIMSELF expressed his approbation of the very same doctrines published by Mr. Paine, when Mr. Burke himself was pleading the cause of a nation determined to be free; not the cause of a foreign nation which had always been independent, but the cause of colonial America, in open war and rebellion against the Crown and Parliament of Great Britain. Mr. Paine, during the same crisis, wrote his book called *Common Sense*, addressed to the Americans in arms against England, exciting her to throw off the yoke of the mother Country, and to declare her independence.

Gentlemen, from having defended Mr. Paine upon his trial for writing his later work, which Mr. Tooke is accused of having approved, I am, of course, intimately acquainted with its contents, and with those of his former writings, and I take upon me to say, that every offensive topic against Monarchy, and all the principles of the Rights of Man, now regarded with such horror, are substantially, and in many instances almost verbatim, to be found in the former publication.

When Mr. Paine wrote his *Common Sense*, Acts of Parliament had declared America to be in a state of rebellion, and England was exerting every nerve to subdue her; yet, at that moment, Mr. Burke, not in his place in Parliament, where his words are not to be questioned, but in a pamphlet publicly circulated, speaks of this book, *Common Sense*, by name, notices the powerful effect it had upon the mind of America, in bringing them up to emancipation, and acknowledges, that if the facts assumed by the author were true, his reasonings were unanswerable.

In the same pamphlet, several parts of which I have stated to the former Jury, he declared, that he felt every victory obtained by the King's arms against America as a blow upon his heart; he disclaimed all triumph in the slaughter and captivity of names which had been familiar to him from his infancy; and, with all the splendour of his eloquence, expressed his horror that they

had fallen under the hands of strangers, whose barbarous appellations he scarcely knew how to pronounce.

Gentlemen, I am not censuring Mr. Burke for these things; so far from it, that they sanctify his character with me, and ever prevent me from approaching him but with respect. But let us, at least, have equal justice. Whilst these writings continue the object of admiration, and their author is held forth as the champion of our Constitution, let not Mr. Tooke stand a prisoner at the bar of the Old Bailey for having, in time of profound peace with France, and when every speech from the British Throne breathed nothing but its continuance, expressed only the same detestation of the exertions of foreign despotism against freedom, which the other did not scruple, in a similar cause, and in the time of open war, to extend to the exertions of his Country.

To expose further the extreme absurdity of this accusation, if it be possible further to expose it, let me suppose that we were again at peace with France, whilst the other nations who are now our allies should continue to prosecute the war:—Would it then be criminal to congratulate France upon her successes against them? When that time arrives, might I not honestly wish the triumph of the French arms? and might I not lawfully express that wish? I know certainly that I might, and I know also that I would.—I observe that this sentiment seems a bold one; but who is prepared to tell me I shall not? I WILL assert the freedom of an Englishman; I WILL maintain the dignity of man; I WILL vindicate and glory in the principles which raised this Country to her pre-eminence amongst the nations of the earth; and as she shone the bright star of the morning, to shed the light of liberty upon nations which now enjoy it, so may she continue in *her radiant sphere*, to revive the ancient privileges of the world, which have been lost, and still to bring them forward to tongues and people who have yet never known them in the mysterious progression of things.

It was the denial of these Rights of Men, which Englishmen had been the first to assert, that provoked Mr. Paine to write his
book

book upon the French Revolution, but which was written when we were not only at peace with France, but when she was holding out the arms of friendship to embrace us. We have subpoenaed the officer of the House of Lords to attend with the correspondence between Lord Grenville and Mr. Chauvelin, long, long after that period, in which you will find an absolute denial of enmity, and professions of peace and friendship, the sincerity of which declarations had been uniformly experienced by our countrymen in France, who had been received with affection, cordiality, and respect. I admit that the work of Paine contained at the same time strong and coarse reflections against the system of the British Government; but Mr. Tooke not only disapproved of those parts of the book, but expressed his disapprobation of them to the author; he repeatedly argued with him the merits of our Government, and told him plainly that he had disfigured his work by the passages which applied to England, and which were afterwards selected for prosecution. Is it fair to pronounce then, against the whole tenor of life and conversation, that Mr. Tooke approved of the destruction of Monarchy, because he promoted the circulation of a book, nine-tenths of which was wholly collateral to the subject, and which contained important and valuable truths, consistent with, and even tending to its preservation. Only twelve pages of Mr. Paine's book were ever selected as inimical to the Constitution, whilst above two hundred contain reflections which, if properly attended to, might secure it from the very attack he makes upon it in the rest.

Let us try Mr. Burke's work by the same test. Though I have no doubt it was written with an honest intention, yet it contains, in my mind, a dangerous principle, destructive of British liberty,—What then? Ought I to seek its suppression? Ought I to pronounce him to be criminal who promotes its circulation? So far from it, that I shall take care to put it into the hands of those whose principles are left to my formation.—I shall take care that they have the advantage of doing, in the regular progression of youthful study, what I have done even in the short intervals of laborious life;—that they shall transcribe with their own hands from all the works of this most extraordinary person, and
from

from the last, amongst the rest, the soundest truths of religion, the justest principles of morals, inculcated and rendered delightful by the most sublime eloquence, the highest reach of philosophy brought down to the level of common minds, by the most captivating taste, the most enlightened observations on history, and the most copious collection of useful maxims, from the experience of common life; all this they shall do, and separate *for themselves* the good from the evil, taking the one as far more than a counterpoise to the other.

Gentlemen, Mr. Tooke had an additional and a generous motive for appearing to be the supporter of Mr. Paine—the Constitution was wounded through his sides—I blush, as a Briton, to recollect, that a conspiracy was formed amongst the highest orders, to deprive this man of a British trial: this is the clue to Mr. Tooke's conduct, and to which, if there should be no other witness, I will step forward to be examined—I assert that there was a conspiracy to shut out Mr. Paine from the privilege of being defended: he was to be deprived of Counsel; and I, who now speak to you, was threatened with the loss of office, if I appeared as his advocate—I was told, in plain terms, that I must not defend Mr. Paine—I did defend him, and I did lose my office.

It was upon this occasion that Mr. Tooke interfered—Mr. Paine was not in circumstances to support the expence of his trial, and Mr. Tooke became a subscriber to his defence, though he differed from him, as I have told you, in the application of his principles to the British Government, and had both publicly and privately expressed that difference. That Mr. Tooke's approbation of Mr. Paine's work, and of the French Revolution, were founded upon no disgust to our own Constitution, was manifested in the most public manner, at the very same period.

A meeting was held at the Crown and Anchor, not called by Mr. Tooke, but at which he was present, to celebrate the first anniversary of the French Revolution, where a noble Lord (Earl Stanhope) was in the chair, and a motion was made "That
" this meeting does most cordially rejoice in the establishment
" and

" and confirmation of Liberty in France, and that it beholds,
 " with peculiar satisfaction, the sentiments of amity and good
 " will which appear to pervade the people of that country to-
 " wards this, especially at a time when it is the manifest interest"
 (*as God knows it is*) " of both states, that nothing should inter-
 " rupt the harmony between them, which is so essential to the
 " freedom and happiness, not only of both nations, but of all
 " mankind." Mr. Horne Tooke—and I do not think, after I
 have read this, that I shall be suffered to go on making any more
 remarks on this part of the subject, because it is a key of the
 whole.—Mr. Horne Tooke begged that the Honourable Gentle-
 man, who was the mover, would add to his motion some quali-
 fying clause; to guard against misunderstanding and misrepresen-
 tation; that there was a very wide difference between England
 and France; that the state vessel of France had been not only
 tempest beaten, and shattered, but absolutely bulged; whereas,
 in England, we had a noble, stately, and sound vessel, sailing
 prosperously upon the bosom of the ocean; that it was true, after
 so long a course, she might, upon examination, appear somewhat
 foul at the bottom, and require some necessary repairs, but that
 her main timbers were all sound.—He therefore regretted, that
 there should be an addition to the motion, but that, if that addi-
 tion was not made, he should move it himself—accordingly, he
 did move in public, " that this meeting feel equal satisfaction,
 " that the people of England, by the virtuous exertions of their
 " ancestors, have not so hard a task to perform as the French are
 " engaged in, but have only to maintain and improve the Con-
 " stitution which their ancestors have transmitted to them."—
 When Mr. Tooke moved this amendment, he did it in THE
 FACE OF THE WHOLE COUNTRY, and published, of course,
 to all mankind, those opinions, which I will prove to have been
 uniformly his—if indeed it is necessary to prove them, when the
 Attorney-General has been so liberally wasting his strength in
 proving them, for the last three days. Mr. Tooke, when he
 proposed this motion, was acting upon the ordinary principle of
 his life, which, for his own satisfaction, rather than for yours, I
 shall prove from year to year. I will take him up in the year

1780, and bring him down to the very time when he comes to your bar, and shew that he has ever been stedfast in favour of the pure, uncorrupted Constitution of Great Britain, but a mortal enemy to its abuses.

This disposition is so far from being dangerous to public tranquillity, that it is its surest and its best support. Would you prevent the infection of French Government from reaching this Country, give to the People the practical blessings of their own. It is impossible to subdue the human mind by making war against opinions; it may succeed for a season, but the end thereof is death: Milton has truly said, that a forbidden book is a spark of truth that flies up in the face of him who seeks to tread it out; and that a Government which seeks its safety in the suppression of the press by sanguinary penalties, is like the gentleman who heightened the wall of his park to keep out the crows—the human mind cannot be imprisoned; it is impassive and immortal.

Reform, therefore, the abuses which obscure the Constitution, and I will answer for its safety; and, above all other things, let men feel and enjoy the impartial protection of mild and equal laws. Thanks be to God we have lately felt and enjoyed them in this place, and our Constitution stands the firmer from the event; whilst in other countries, at the same moment, the dominion of persecution and terror has made revolution follow upon revolution, and filled the earth with blood and desolation.

Gentlemen, I will now lay before you Mr. Tooke's political sentiments, when they could not possibly be written to serve a purpose; and I hope his Lordship will permit Mr. Gibbs to read it, as my voice and strength begin to fail me.

Lord Chief Justice Eyre. What is it?

Mr Erskine. A piece of evidence I have to offer. I am too much exhausted to read it.

Lord Chief Justice Eyre. If you wish to refresh yourself, sit down, we will wait patiently; but we should know what it is.

Mr. Erskine. I have nearly finished. It is a letter written to Lord Ashburton, who formerly, your Lordship knows, was the celebrated Mr. Dunning, who was engaged in a Reform of Parliament;

liament; and Mr. Horne Tooke wrote this letter to him, upon the subject of Parliamentary Reform, in the year 1782.

[*Mr. Gibbs here read the following extract:*]

" By the vote of the House of Commons, on Tuesday last, Parliament, it seems, do not yet think it necessary to take into consideration the state of representation in this Country.— However, my Lord, notwithstanding that vote, I am still sanguine enough to believe, that we are at the eve of a peaceful Revolution, more important than any which has happened since the settlement of our Saxon ancestors in this Country; and which will convey down to endless posterity all the blessings of which political society is capable.

" My Lord, my expectations are greatly raised, instead of being depressed, by the objections which were urged against Mr. Pitt's motion.

" One gentleman says, '*He cannot see any good purpose the motion would answer: for it would not assist Government with a ship, a man, or a guinea, towards carrying on the war with vigour, or towards establishing that much wished-for object, peace.*'

" My Lord, I hope the measure will be made to produce to Government both *ships, and men, and guineas*. For they would be very poor politicians, indeed, who could not in one measure comprehend many purposes: and still poorer, who should miss the present opportunity of obtaining, by this one measure of reform, every desirable object of the state.

" Another gentleman apprehends, that '*nothing less than giving every man in the kingdom a vote, would give universal satisfaction.*'

" My Lord, I trust that there are very few persons in the kingdom who desire so improper and impracticable a measure. But, if there were many, the wisdom of Parliament would correct their plan, and the corrected would be well pleased at the correction.

" My Lord, I shall not waste a word to shew the necessity of a reform in the representation of this Country. I shall only
" con-

“ consider the mode of reform; and endeavour to shew that it
 “ is not difficult to embrace every interest in the state, and to
 “ satisfy well meaning men of every description. To this end I
 “ am compelled first to remove the prejudices, and, indeed, *just*
 “ *objections*, which some persons entertain to all the modes of re-
 “ form, which have hitherto been recommended.

“ My virtuous and inestimable friend, Major Cartwright, is a
 “ zealous and an able advocate for *equal* and *universal* represen-
 “ tation; that is, for an *equal* and *universal* share of every man
 “ in the government. My Lord, I conceive his argument to be
 “ this: Every man has an equal right to freedom and security. No
 “ man can be free who has not a voice in the framing of those laws,
 “ by which he is to be governed. He who is not represented has
 “ not this voice; therefore, every man has an equal right to repre-
 “ sentation, or to a share in the government. His final conclusion
 “ is, that every man has a right to an equal share in representation.

“ Now, my Lord, I conceive the error to lie *chiefly* in the
 “ conclusion. For there is a very great difference between
 “ having an *equal right to a share*, and a *right to an equal share*.
 “ An estate may be devised by will amongst many persons in
 “ different proportions; to one five pounds, to another five hun-
 “ dred, &c. each person will have an equal right to his share; but
 “ not a right to an equal share.

“ This principle is farther attempted to be enforced by an
 “ assertion, that ‘ the all of one man is as dear to him, as the all
 “ of another man is to that other.’ But, my Lord, this maxim
 “ will not hold by any means; for a small all is not, for very
 “ good reasons, so dear as a great all. A small all may be lost,
 “ and easily regained; it may very often, and with great wisdom,
 “ be risked for the chance of a greater; it may be so small, as
 “ to be little or not at all worth defending or caring for. *Ibit eo*
 “ *qui zonam perdidit. But a large all can never be recovered;*
 “ *it has been amassing and accumulating, perhaps, from father*
 “ *to son for many generations; or it has been the product of a*
 “ *long life of industry and talents; or the consequence of some*
 “ *circumstance which will never return.* But I am sure I need
 “ not dwell upon this, without placing the extremes of fortune

“ in

“ in array against each other; every man whose all has varied
 “ at different periods of his life, can speak for himself, and say
 “ whether the dearness in which he held these different alls, was
 “ equal. The lowest order of men consume their all daily, as
 “ fast as they acquire it.

“ My Lord; justice and policy require that benefit and burthen,
 “ that the share of power and the share of contribution to that
 “ power, should be as nearly proportioned as possible. If aristoc-
 “ racy will have all power, they are tyrants and unjust to the
 “ people, because aristocracy alone does not bear the whole bur-
 “ then. If the smallest individual of the people contends to
 “ be equal in power to the greatest individual, he too is in his
 “ turn unjust in his demands; for his burthen and contribution
 “ are not equal.

“ Hitherto, my Lord, I have only argued against the *equality*;
 “ I shall now venture to speak against the *universality* of repre-
 “ sentation, or of a share in the government; for the terms
 “ amount to the same.

“ Freedom and security ought surely to be equal and univer-
 “ sal. But, my Lord, I am not at all backward to contend that
 “ some of the members of a society may be *free* and *secure*,
 “ without having a share in the government. The happiness
 “ and freedom, and security of the whole, may even be ad-
 “ vanced by the exclusion of some, not from freedom and secu-
 “ rity, but from a share in the government.”

Mr. Erskine. These are Mr. Tooke's sentiments, and they
 speak for themselves, without any commentary. It is very for-
 tunate for me, therefore, as well as for the unfortunate gentle-
 man whom I represent, that the subject of his defence is almost
 exhausted, because I myself am entirely so; and surely that cir-
 cumstance must present in the strongest colours to men of your
 justice and discernment, the fatal precedent of such a trial; since
 even if I were capable of grasping in my mind more matter
 than the greatest reach of human thought and memory could
 comprehend, the bodily strength of the strongest man would sink
 under the delivery.

I have

I have been placed here, as you know, in a most arduous and anxious situation for many days during the late trial; I have had no opportunity of rest in the interval, but have been called incessantly to the other labours of my profession, and am now brought back again to the stake without the refreshment which nature requires, for it must be a dishonest mind which could feel the tranquillity necessary for its reception; I came into Court this morning perfectly subdued with fatigue and agitation, and although I know the disposition of my honourable and learned friends to have left me at home, till the season arrived for the defence of the prisoner; yet amidst the chaos of matter which the fulfilment of their duty obliged them to lay before you, it was impossible for them to know, within even hours, the time I should be wanted. I hope, however, that amidst all these pressures, I have been able to lay before you sufficient information for the discharge of your duty to the prisoner and to the public. The matter for your consideration is a mere matter of fact—*Has the prisoner at the bar conspired, with others, to depose the King, and to subvert by force the Government of the Kingdom.*

The sentiments of Mr. Tooke upon the subject of our excellent Government, which my learned friend, Mr. Gibbs, has just read to you, would in themselves be sufficient to expose the falsehood of the charge. The publication cannot be considered as a pretext, because they have ever been uniformly supported by his conduct. One of the most honourable men in this Country now present, will prove to you that he acted upon these principles at the time he published them, and offered all his influence and exertions to promote Mr. Pitt's plan, which was then in agitation, and I will lead him on in your view day by day from that period till within a fortnight of his apprehension for this supposed Treason. Mr. Francis, a most honourable member of the House of Commons, and one of the Society called the Friends of the People, having suggested a plan for the reform of Parliament, which appeared to him to be moderate and reasonable, applied to Mr. Tooke, who was then supposed to be plotting

plotting the destruction of his Country, to give him his assistance upon it. Mr. Tooke's answer was this—" One fifth, or one tenth, nay one twentieth part of what you are asking will be " a solid benefit, and I will give it my support." Mr. Francis will tell you this upon his oath, and he will add what he has told me repeatedly in private, that he grew in his esteem from the candid and explicit manner in which he made this declaration. Mr. Sharpe has also proved that at the very time when all this scene of guilt is imputed, Mr. Tooke was uniformly maintaining the same sentiments in the most unreserved confidence of private friendship. And I can go on calling witness after witness throughout the wide extended circle of all who have ever known him, that a firm and zealous attachment to the British Government, *in its uncorrupted state*, has been the uniform and zealous tenor of his opinions and conduct; yet in the teeth of this evidence of a whole life, you are called upon, on your oaths, to shed his blood, by the verdict you are to give in this place.

Gentlemen, I cannot conclude without observing that the conduct of this abused and unfortunate gentleman, throughout the whole of the trial, has certainly entitled him to admiration and respect; I had undoubtedly prepared myself to conduct his cause in a manner totally different from that which I have pursued; it was my purpose to have selected those parts of the evidence only by which he was affected, and by a minute attention to the particular entries, to have separated him from the rest. By such a course I could have steered his vessel safely out of the storm, and brought her, without damage, into a harbour of safety, whilst the other unfortunate prisoners were left to ride out this awful tempest. But he insisted on holding out a rope to save the innocent from danger—he would not suffer his defence to be put upon the footing which discretion would have suggested. On the contrary, though not implicated himself in the alledged conspiracy, he has charged me to waste and destroy my strength to prove that no such guilt can be brought home to others. I rejoice in having been made the humble in-

strument of so much good—my heart was never so much in a cause.

You may see that I am tearing myself to pieces by exertions beyond my powers—I have neither voice nor strength to proceed further—I do not, indeed, desire to conciliate your favour, nor to captivate your judgments by elocution in the close of my discourse. But I conclude this cause, as I concluded the former, by imploring that you may be enlightened by that power which can alone unerringly direct the human mind in the pursuit of Truth and Justice.

[It being now near Nine o'Clock at Night, the Court adjourned to To-morrow Morning, Nine o'Clock.]

SESSION HOUSE IN THE OLD BAILEY.

Thursday, November the 20th.

PRESENT,

Lord Chief Justice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Justice GROSE;
Mr. Justice LAWRENCE;
And others, his Majesty's Justices, &c.

John Horne Tooke set to the bar.

EVIDENCE FOR THE DEFENDANT.

Major Cartwright, (sworn.)

Examined by Mr. Erskine.

Q. ARE you a member of the Constitutional Society, whose proceedings have been examined in this Court?

A. Of the Society for Constitutional Information, I am.

Q. How long have you been a member of that Society?

A. From its first institution.

Q. By whom was that Society instituted?

A. I think Doctor Brockelsby was one of the first members, the late Doctor Jebb was another, Mr. Capel Loft was another.

Q. Was you one?

A. I was one.

Q. What were the objects of the association?

A. They proposed to give to the public, Constitutional Information, as expressed in the original title of the Society, and of which the members who composed it thought the public were very much in need.

Mr. Tooke. My Lord Chief Justice, I hope I am not disorderly, and I hope the motive of my application to you will not be mistaken. I had prepared a very great body of evidence before I knew the course which this prosecution might take. I am not desirous to introduce before this Court, and consequently before the nation, a great deal of evidence, which I originally thought might possibly be necessary for my defence. If the Court, the Prosecutor, and the Jury, should think it not necessary for me to go on with that body of evidence which I meant to produce, I shall then be very well contented not to produce it; having no other motive whatever, than to appear to do that which is barely necessary in my own defence, and anxiously wishing that instead of losing myself in the opinion of others, or appearing to do from any motive that which is not necessary, I may confine myself merely and barely to that which I ought. I hope your Lordship will not misunderstand me, I cannot speak more fully with propriety, but if the Court, the Prosecutor, and the Jury, do not think it absolutely necessary that I should go into the evidence, I am very willing to relinquish it; and beg I may go into the evidence by the direction of your Lordship.

Lord Chief Justice Eyre. It does not appear to me, Mr. Tooke, that it is possible for the Court to say one word upon that subject: all that the Court can do is, when you offer a head of evidence to say, whether in their judgment that head of evidence is competent to the present enquiry. If the prosecutor thinks fit to say any thing to you upon the subject, that is quite another consideration, but the Court certainly cannot take upon itself to give any intimation or direction in any respect; for myself, individually, I have no wish to narrow the grounds of your defence in any manner, I shall wish that you may lay it before the Jury, in the fullest manner, as far as the rules of law and of evidence will permit you to do it, and I shall think no time mispent in hearing it.

Mr. Tooke. I am perfectly aware, and do not mean, I know if I did mean, I should not be permitted to bring incompetent evidence; but I could do no otherwise than address myself to the
the

the Court, perfectly satisfied with your Lordship's answer; but my address is, in fact, to the prosecutor, though I apply to your Lordship.

Mr. Attorney General. That address being made to me I think it my duty to Mr. Tooke, to inform him, that I speak at present under an impression, that when the case, on the part of the prosecutor, is understood, it has received as yet, in the opening of his Counsel, no answer; and I, therefore, desire that Mr. Tooke will understand me as meaning to state to the Jury, that I have proved the case upon the indictment.

Mr. Erskine. Then we will go into the whole case. Major Cartwright, What were the objects of that Association, that you were proceeding to state?

A. The objects of that Society were simply to give Constitutional Information to the public, particularly, and expressly, for the purpose of promoting a Parliamentary Reform for the recovery of their lost rights.

Lord Chief Justice Eyre. I am sorry to distress Major Cartwright, but I do not hear one word.

Major Cartwright. I was asked the objects of that Society, they were simply, as far as I know, to communicate Constitutional Information to the public, and particularly to promote a recovery of what they thought lost rights, particularly meaning the right of representation in the House of Commons.

Mr. Erskine. Having stated this to have been the original object, and you remaining, to this hour, a member of that Society—did the Society ever, to your knowledge, change these objects?

A. I never entertained such an idea.

Q. If there had been any deviation in the Society, from its original objects, was your attendance upon it such as that you conceive you must have known it?

A. For the last two years it has scarcely been in my power to attend at all; but I was many years in the habit of attending that Society, and never did perceive any indication whatever of changing its object, or acting upon any other principle than that upon which it set out.

Q. Did the Society, in pursuing those objects which you have stated to have existed, adopt any plan or any models that had been set by other persons?

A. In the out-set of that Society, I believe the general sentiment of the members was in favour of Universal Suffrage, and Annual Parliaments—that Society was instituted before the Duke of Richmond brought his bill into Parliament, and before his publication of his letter to Colonel Sharman; the Duke's conduct, upon these two occasions, met with the concurrence and approbation of that Society.

Q. Was the Duke of Richmond's letter to Colonel Sharman, circulated among the members of that Society?

A. Yes.

Q. And did the Duke's plan, as stated in that letter, receive your approbation?

A. That is a fact I cannot positively speak to, because I do not recollect the particular circumstance, when the Duke's plan was so communicated, but I have no doubt at all that every member in that Society, who was in the habit of attending, or who concerned himself at all about the objects of that Society, did perfectly well know the nature of the plan of the Duke of Richmond's bill, as well as of his letter to Colonel Sharman.

Q. Do you remember the letter to Colonel Sharman?

A. I have read it formerly—I presume the letter brought here is an authentic copy of it.

Mr. Erskine. It has been proved upon both cases, and has been authenticated upon oath here by the Duke of Richmond.

A. Respecting the Duke of Richmond's plan, as contained in the bill he brought into Parliament, and in his letter to Colonel Sharman, I can speak from a particular knowledge of myself, and other gentlemen, acting upon those principles, because I had the honour of many conversations with the Duke of Richmond upon the subject, both before and after he brought in his bill, and wrote that letter.

Q. You being a member of this Society for Constitutional Information, and continuing to be so after the Duke's application to Parliament, and after the publication of his plan, did you
continue

continue associated to carry that plan, as far as you could do it, into execution—I ask as far as related to yourself, and your own opinions?

A. I continued, and I believe that the Society itself continued to act; I cannot pretend to say, that the sole object of the Society was to act solely and precisely upon the Duke of Richmond's plan; but their great object was a radical essential Reform in the House of Commons. There was a considerable diversity of opinions in that Society upon the precise plan that ought to be adopted, or that was most likely to succeed, some thought Universal Suffrage and Annual Parliaments, the true principles of the Constitution: I was one of that number, and am of that number still; but, at the same time, I speak for myself and other gentlemen, for whose sentiments I can answer, that the Society for Constitutional Information would have thought themselves, and their Country, very happy, if a Reform, very considerably short of that which they conceived the rule of perfection, could have been obtained.

Q. Would you have remained, and would you stand up before me now remaining a member of that Society, if, from all you know of it, all you have seen, all you have heard, all you have observed, you had had reason to believe, or to suspect, that they meant to subvert the Government, and to destroy the office, and title of the King?

A. I would have remained in that Society, let their objects be what they might, but it would have been in order to have removed men who had such objects.

Q. Did you ever hear any person in that Society, propose to bring any such matter to pass?

A. Never.

Q. Until the apprehension of the unfortunate persons, whose trials bring us into this place, had you ever heard of any such disposition in this Society?

A. Never in the smallest particular.

Q. Did ever any man in that Society make a motion or proposition, or in discourse signify an opinion of that detestable

nature, to destroy, by force, the Government, and Law of this Country?

A. Certainly not.

Mr. Erskine. I beg your pardon for asking you these questions, because you seem to stare at me, and I do not wonder——

Lord Chief Justice Eyre. Ask your questions without these observations.

Mr. Attorney General. I did desire that as the prisoner and Counsel were sitting there, that the witness might be somewhere else, and then that difficulty about staring might be removed.

Lord Chief Justice Eyre. The questions ought to be put without these observations.

Mr. Tooke. The prisoner's back was turned to the witness; I have not looked in his face.

Lord Chief Justice Eyre. It was not addressed to you.

Mr. Erskine. I will put the question again, without any periphrases, that it may be understood.—Did you ever, in all your attendance upon that Society, hear any formal motion made, or even any discourse uttered, that went to any of the objects charged upon this indictment?

A. Certainly not.

Q. Having asked you concerning the general objects of the Constitutional Society, and you having told the Court that the particular members of that Society had shades of differences in opinion concerning the best mode to be adopted, I would ask whether you know the gentleman at the bar, Mr. Tooke?

A. I have known Mr. Tooke about sixteen years.

Q. Has your knowledge of him been of an intimate sort?

A. Very intimate.

Q. Has your knowledge of him been of so intimate a sort as that, knowing him in private life, and being also a member of the same Society, you can inform the Court what were his principles and opinions as regarding this question?

A. Mr. Tooke always appeared to me, both in his public conduct and in his private conversations, to be a steady, firm, inflexible friend to a Reform in the House of Commons.

Q. Was

Q. Was the Reform that he was the firm, steady, and inflexible friend of, upon the plan which you hold in your hand, or any plan of a different nature, short of that?

A. I do not know that Mr. Tooke had any particular objections to this plan, but I know that it did not concur with his particular opinions.

Q. Have you ever argued that matter with him, and found that difference of opinion in him?

A. I have.

Q. Did you find Mr. Tooke in any part of his public conduct, or in the course of that long intimacy which has subsisted between you, a man floating between different opinions, taking up one opinion one day and another on another, or did he appear to you to be steady to one particular opinion?

A. Of all men I ever knew, Mr. Tooke appeared to me to be the steadiest and most invariable in his opinions from the time that I have known him, because I believe that they were formed prior to that period, and his good sense never gave him occasion to alter them.

Q. In the long course of the intimacy that you have before stated, and your acquaintance with Mr. Tooke's conduct in public, did you ever hear any thing fall from him disrespectful to the office of royalty in this Country?

A. Quite the reverse; in conversing with Mr. Tooke upon subjects of that kind, at times, when other opinions were put abroad, I have always heard him maintain that the regal and the aristocratical branches of the Constitution of this Country were good and excellent in themselves, and that if a Reform in the other branch of the Constitution, meaning the House of Commons, could be obtained, that our Constitution then, in his opinion, would be the most perfect of any upon earth. I am not repeating Mr. Tooke's words, because I have not a memory sufficient for that purpose, but I remember that was always the impression made upon my mind from his conversation.

Q. Then I understand you not to be stating what Mr. Tooke has said upon any one particular occasion, but that this is the result

result of all that your memory furnishes you with from his conversation?

A. Yes, for sixteen years past invariably.

Q. How lately have you seen Mr. Tooke before he was in the Tower, when of course you could not see him without an order?

A. I do not think I have seen him since the spring in the year 1792.

Q. Did you in the spring of 1792 find any variation, or tendency to a variation, in those opinions, which he had so long inflexibly pursued?

A. Not the least: I can recollect a conversation, I believe two or three times repeated, at different times, which made an impression upon my mind from a sort of illustration that Mr. Tooke made use of, in order to shew that his objects did not go the same lengths as those of Mr. Paine and others, persons who had speculated upon Government: I remember particularly his illustrating it by speaking of persons travelling in a stage-coach together: he said, men may get into the same stage-coach with an intention of travelling to a certain distance; one man chooses to get out at one stage, another at another; some men may want something more—a Reform in the House of Commons is what I want. And, still pursuing his simile of the stage-coach, he said—When I find myself at Hounslow I get out, those that want to go further may go to Windsor, or where they like; but when I get to Hounslow (applying it to the House of Commons), there I get out, no further will I go, by God.

Q. A letter has been read in evidence here from the Society for Constitutional Information, of which you then was, and still are, a member, to the Society of gentlemen called the Friends of the People, in Frith Street, which has been attributed here to Mr. Horne Tooke, by the Counsel for the Crown; be so good as to say who wrote that letter, because your Society is not a corporation?

A. Not Mr. Tooke; that I can say of my own personal knowledge, a knowledge which cannot deceive me.

Lord Chief Justice Eyre. I take that to be the letter which produced the answer from the Society of the Friends of the People, declining the intercourse.

Mr. Erskine. Just so, dated Free Masons Tavern, immediately upon the institution of the Society called the Friends of the People; will you just cast your eye over that letter?

A. I have read this letter in the Report of the Secret Committee of the House of Commons, I believe it is a true copy of the original.

Q. How came you to be so well acquainted with that letter?

A. I was in the chair at the time that it was sent, and I was the person who subscribed it as chairman.

Q. And you consented to the sending of it?

A. I did.

Q. What was the object of sending it—I mean from what passed in the Society at the time it was sent?

A. It had been a constant observation in the Society for Constitutional Information, that gentlemen in opposition to Government, in the Houses of Parliament, very frequently made great professions of patriotism, but did not always, when their own turn was served, act up to the same principles; that letter was written as a serious, friendly, solemn warning to that new Society, which was composed in a considerable degree of members of Parliament.

Q. A warning of what sort—for what purpose?

A. To guard them against a departure from those principles which they once professed friendly to the Constitution.

Q. Was that a general observation of the Society at the time they sent the letter, or had it an application to any particular thing which either had happened, or, in their conception, might happen?

A. I conceive it was not meant to convey any personal reflection, as applied to particular gentlemen, at that time, but only as the result of those observations that they had been in the habit of making; that such had been the practice, too frequently, of gentlemen in opposition.

Q. I

Q. I understand you then to say, that it was not meant as a reflection upon any particular man, or number of men, but in consequence of the observations and reflections of the Society upon that subject?

A. Just so.

Q. Was that letter then, by the Society for Constitutional Information, sent to the Friends of the People, meant to convey a determination of theirs to pursue more than a Parliamentary Reform in the House of Commons?

A. The letter I should imagine will explain that.

Q. There have been different constructions put upon it; I want to know what passed at the time it was sent—What was the object of the Society that sent it?

A. Certainly not meaning any thing but a Reform in the House of Commons.

Q. At the time that this letter was sent, either upon the day it was sent or before the day it was sent, or at any time before it was sent, had any thing been started, in the Society that sent it, drawing towards any further Reform than a Reform in the House of Commons?

A. No such thing: I only speak of my own knowledge, when I happened to be there: nor did I ever hear that any such thing had ever happened.

Q. Was you a member of this new Society of the Friends of the People at the time that that letter was sent?

A. I was.

Q. So then, if I understand you right, you was the chairman in the Constitutional Society who signed that letter, which was written in fact to yourself, and to others, in the character of the Friends of the People?

A. Yes.

Q. Then did you mean, or did the Society mean, to your knowledge, to signify to the Friends of the People, of which you were one, that you meant to do something different from yourself in another place?

A. Cer-

A. Certainly not.

Q. That letter was received by the Society of the Friends of the People; after it was received, and after the answer was sent, did you continue to be a member of the Society of the Friends of the People?

A. I did, and am now.

Q. Did the Society of the Friends of the People know, and do they now know, that you, who are a member of their Society, was a member of the other Society, and still continue to be so?

A. They could not but know it, as I had signed that letter as chairman of the Society for Constitutional Information.

Q. Do you know who wrote the answer to the letter which is signed by Lord John Russell?

A. I do not.

Q. Are there any other members of the Constitutional Society that were at that time in the same predicament with yourself, members of both Societies?

A. I cannot call to mind any just at this moment?

Q. Was Doctor Towers one?

A. Yes, he was one.

Q. Is not Doctor Towers now a member of the Constitutional Society?

A. Not having attended of late I cannot answer that.

Q. Upon the whole, am I to understand that until this which brings us into this place, the apprehension of the prisoner, that you neither saw nor heard any thing in this Society which led you to believe that any design against the Constitution was in agitation?

A. So far from a design against the Constitution, the very object of the Society was to support the Constitution, and to restore it to its true principles.

Q. Did you ever hear—I do not speak of a formal proposition—but did you ever hear any moving towards force of arms or violence?

A. No.

Q. Have

Q. Have you any reason to believe, from any thing you ever heard, saw, or knew, that there was any such matter in agitation?

A. I have not.

Major Cartwright,

Examined by *Mr. Tooke.*

Q. Do you recollect who had the title of Father and Founder of the Constitutional Society?

A. The Society did me the honour to call me their founder, though other gentlemen were originally concerned in its institution with myself.

Q. Was you acquainted with me at the time of the formation of that Society?

A. I am pretty sure not; I think our acquaintance commenced afterwards.

Q. Do you recollect that I was at any time, or professed myself to be, a friend and favourer of the scheme of Universal Suffrage?

A. Certainly not.

Q. Do you recollect that I ever disputed with you that which you thought an axiom, and the ground of all your reasons, for Universal Suffrage?

A. I do.

Q. From what author was your proposition taken upon which you grounded your plan?

A. The author which Mr. Tooke referred to, as supposing I then built upon, was Locke; and I recollect his observing that when I came to examine the position of Locke upon that subject—I think he called it his dogma, if I am not mistaken—that it would not bear me out to the conclusions that I drew from it.

Q. Was I presumptuous enough to think that Locke himself, in his principle, was not safe?

A. From the tenor of Mr. Tooke's conversation, he appeared to me to conceive that Mr. Locke was mistaken, and that I

was

was mistaken. I did not go so far into the discussion of the subject with Mr. Tooke as I wished to do; but I waved it that time, as I did not feel myself sufficiently prepared to discuss so nice a question with so able a man as Mr. Tooke; therefore I wished to take further time for consideration before I renewed the conversation with him, which I meant to do, but it so happened that I never did.

Q. Do you recollect what that proposition was—was it this, that every man has a right to a share in the Government?

A. Yes.

Q. That was the proposition denied by me?

A. I do not recollect whether it was expressed in the words you now use, but the substance of it was as you now state.

Q. If you think there is any danger, in these times, in answering the question I am going to put, you will decline it—Do you recollect publishing an engraving with numberless writings round it, tending to prove these propositions, of Universal Suffrage, and the right of every man to a share in the Government?

A. Perfectly.

Q. Do you recollect whether, disputing the principle, I did or did not subscribe, and what, to that engraving?

A. There was some conversation passed upon the subject; my recollection is so faint that I cannot pretend to give an answer to say what.

Q. From any conversations, between you and myself, can you, or can you not, draw any conclusions of my opinions of Mr. Paine and his writings?

A. I drew conclusions, in my own mind, from conversations that Mr. Tooke and I had upon Mr. Paine's writings.

Q. What were those conclusions?

A. That Mr. Tooke by no means approved of a great part of Mr. Paine's writings; but that he thought other parts of his writings would be very beneficial, not only to this nation, but to others.

Q. Did you then think that I approved of Mr. Locke's writings?

A. Only

- A.* Only in part.
- Q.* Can you recollect, at any time, my having spoken generally in praise of Mr. Locke?
- A.* I do not remember.
- Q.* Did you ever hear me praise a pure democracy?
- A.* Quite the contrary.
- Q.* Have you ever heard me contest with those who did?
- A.* Frequently.

END OF VOL. I.



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